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ROYAL COMMISSION

ON

24

PILOTAGE

HEARINGS

HELD AT

NORTH SYDNEY
NOVA SCOTIA

VOLUME No.:

31-33

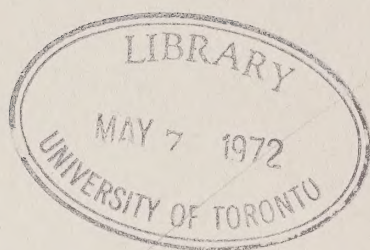
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Council Chambers, North
Sydney, Nova Scotia on the 3rd
day of June, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier Chairman

Robert K. Smith, Esq. Member

Harold A. Renwick, Esq. Member

Mr. Gilbert W. Nadeau Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q. C.

Mr. Leopold Langlois, Q. C. for the Canadian Merchant
Service Guild and for the
Pilots' Committee and for
the Pilotage Districts of
Sydney and Bras D'Or.

Mr. MacNeil for Dominion Steel &
Coal Corporation Limited

Also Present:

Capt. J. S. Scott, Technical Advisor
to the Commission



	<u>INDEX TO WITNESSES</u>	<u>PAGE NO.</u>
1		
2	<u>McLeod, P. M.</u>	
3	Direct examination by Mr. Jacques	3395
4	Cross-examination by Mr. Langlois	3397
5	<u>WESTON, F. M.</u>	
6	Direct examination by Mr. Jacques	3399
7	Cross-examination by Mr. Langlois	3402
8	<u>PARKER, John P.</u>	
9	Direct examination by Mr. Jacques	3403
10	Cross-examination by Mr. Langlois	3438
11	Re-direct examination by Mr. Jacques	3456
12	Re-cross-examination by Mr. Langlois	3466
13	Cross-examination by Mr. MacNeil	3466
14	<u>CAMPBELL, John</u>	
15	Direct examination by Mr. MacNeil	3468
16	Cross-examination by Mr. Jacques	3470
17	Cross-examination by Mr. Langlois	3474
18	Re-examination by Mr. Jacques	3480
19	Re-cross-examination by Mr. Langlois	3486
20	Re-re-examination by Mr. Jacques	3487
21	<u>MATHESON, J. E.</u>	
22	Direct examination by Mr. Jacques	3489
23	<u>HUNTLEY, Claude</u>	
24	Direct examination by Mr. Jacques	3493
25	<u>MacNutt, Erskine K.</u>	
26	Direct examination by Mr. Jacques	3500
27		
28		
29		
30		



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INDEX TO EXHIBITS

<u>NO.</u>	<u>PAGE NO.</u>
376 Sydney Pilotage District General by-laws.	3394
377 Bras D'Or Lakes Pilotage District General Bylaws.	3394
378 H. O. Chart 611, Cape Breton Island.	3394
379 C.H.O. Chart 4388, Entrance to Great Bras D'Or Lake.	3394
380 C.H.O. Chart 4354, Bras D'Or Lake.	3394
381 C.H.O. Chart 4389, Little Bras D'Or Lake.	3394
382 C.H.O. Chart 4387, Great Bras D'Or Western Portion.	3394
383 C.H.O. Chart 4375, Guyon to Flint Island.	3394
384 C.H.O. Chart 4377, Flint Island to Cape Smoky.	3394
385 C.H.O. Chart 4315, Sydney Harbour.	3394
386 Annual Return for 1962.	3404
387 Annual Return for 1961.	3404
388 Annual Return for 1960.	3404
389 Annual Return for 1959/60.	3404
390 Statement of reporter casualties where pilots are involved in the District of Sydney for the year 1956 to 1962, inclusive.	3404
391 List of pilots on strength in the Districts of Sydney and Bras D'Or Lakes.	3404
392 In a bundle, the Sydney pilots' pension fund account for the years 1962, 1961.	3404
393 Statement of revenue and expenses for the years 1958, 1959 to 1962.	3404
394 Statement of reporter casualties from 1956 to date for the district of Bras D'Or Lakes.	3405



INDEX TO EXHIBITS - continued

<u>NO.</u>		<u>PAGE NO.</u>
395	List showing class of certificate, number and year granted.	3460
396	Statement showing turns during the busiest month and lest busy month of 1962.	3465
397	Brief of the Dominion Steel & Coal Corporation Limited	3467
398	Schedule of Tug Rates	3479
399	List of the present pensioners for Sydney Pilotage District, date of birth, year they were pensioned and fact whether they have any children or not drawing pension.	3495
400	Statement of Efficiency of aids of navigation in the Ports of Miramichi, Richibucto, Buctouche, Shediac, Pugwash, Pictou and of the Gut of Canso.	3507
401	Brief submitted by the Sydney Pilots.	3507



PB/dpw

1 --- On commencing at 10:00 a.m.

2 THE CHAIRMAN: Well, gentlemen, we are quite
3 pleased to be here at North Sydney as a Commission. When
4 the Commission was appointed we said we would go everywhere
5 where there was pilotage in Canada. So far we have done
6 our best. We have been, it is true, all across Canada so
7 far, but there is still much to be done. We have been in
8 the Pacific Coast from Prince Rupert down to Victoria. We
9 have been to the East Coast. We have been all through
10 Newfoundland, the north shore of the St. Lawrence, the
11 New Brunswick coast and the Port of Saint John, New Bruns-
12 wick. We will be there again this week. As you know, we
13 come from Halifax here to North Sydney. We are very
14 pleased to be here. In a few minutes we would like to
15 know all about not only your problems, as we are not here
16 to hear problems, but the facts as I will explain in a few
17 minutes.

18 As far as I am concerned, it is the second time
19 I have been here. I was here in North Sydney in 1939. I
20 just passed by. I was then a student at the Laval
21 University at social science with my course in law. I
22 went to Antigonish to learn a little about the co-operative
23 system there. From Antigonish we went around Cape
24 Breton. We went to L'Ardoise, Amherst and other places,
25 also to Glace Bay and to the Sydney Mines and so on. It
26 was very, very interesting and we learned a lot. Now,
27 this is my second time here. It is really beautiful to
28 see the harbour on this bright morning. We had a very
29 good trip across the harbour.

30 I think I should try to define ourselves to you.



1 We are a Commission appointed by the Government of Canada,
2 not by any Department of the Federal Government, but by
3 the Government of Canada by Order in Council to investigate
4 and try to find out what pilotage is in Canada. This is
5 what we have to find; what it is, and to study its func-
6 tions and to find out whether there is any other way, any
7 improvement possible, and, if so, to make recommendations.
8 That is our task. We are not employees or a Commission of
9 the Department of Transport. We are not civil servants.
10 The three of us are from civil life. Mr. Renwick is a
11 businessman from British Columbia. Mr. Smith is a lawyer
12 from Amherst, Nova Scotia, and then, after that, he went
13 to the Department of Transport as Deputy Minister, and then
14 he went to the National Harbour Commission as President.
15 Now, he is retired so he is on this Board.

16 As far as I am concerned I am a Judge of the
17 Superior Court of the Province of Quebec. As you see, we
18 have nothing to do with the Government of Canada, as such,
19 as civil servants, except we were requested to make this
20 investigation by the Government of Canada. I told you what
21 we have done so far as far as Canada is concerned.

22 We are now here to get the facts because any
23 recommendations we make that are not based on facts are
24 going to be worthless. In order to draw conclusions we
25 have to have premises and those premises are the facts,
26 what pilotage is in Canada. We come here because the facts
27 are here. It is not through correspondence that you can
28 really get the picture of the situation. We come here to
29 you because you are living the facts, you are making them.
30 That is why we are here. We know that you may have



1 problems, but we are not here in the first place to hear
2 the problems. We are here to understand what pilotage is
3 in North Sydney. Of course, your problems are part of
4 those facts and we are going to hear them at the same time
5 but I say that just to emphasize the fact we are not here
6 as a Court of Justice to hear problems and to decide them.
7 We are here to get the whole picture, and those problems
8 you have are part of the facts.

9 We may not, in our decision, in our recommenda-
10 tions, find the solution but we have to know that they
11 exist and why no solutions were found up to now. We are
12 here to find out what pilotage is and how it works. We
13 have been across Canada and at almost every place we have
14 found that pilotage is altogether different; from one place
15 to the other. You would think the reason for pilotage is
16 security. We have found many other reasons for pilotage.
17 In Seven Islands we have found that there is no security
18 reason at all for pilotage, but the companies organize
19 their own pilotage system just to make sure there is no
20 delay to the ships because delay in shipping means money.
21 That is why they have their organization, for more effi-
22 cient handling of ships. We have to know that in order to
23 make our recommendations.

24 In order to gather those facts, those who are
25 near the Courts of Justice know that the only reliable way
26 is to take evidence under oath as in the Court of Justice
27 otherwise you cannot rely on the facts that you have. You
28 are going to have half-truths, impressions, given as facts
29 and it is only when somebody is making a statement you can,
30 by cross-examination, say, "Well, that is your impression,



1 you think this, but what do you base that on?" You come
2 to the facts. You may find you are mistaken. That is why
3 it is found that the procedures in the courts are the only
4 satisfactory way, through documentary evidence, well-
5 established, well-produced, legally-produced, and also
6 through all testimony given under oath and with the
7 privilege of cross-examination. It is a tedious way but
8 it is the only sound and reliable one. Therefore, every-
9 thing that is going to be said as far as facts are
10 concerned - and I don't mean recommendations - as far as
11 facts are concerned - is going to be given orally and under
12 oath and every person who is interested can put further
13 questions, can cross-examine the witness and can bring
14 further evidence in order to enlighten us or show exactly
15 what the situation is.

16 For that reason I would like the normal procedure
17 to be followed and no leading questions be put in examina-
18 tion-in-chief, if at all possible.

19 Again, this is not a trial. We are not hearing
20 a case. We have no litigants in front of us. We have
21 only Commission witnesses. You are here to give us the
22 facts. It is not a trial and, therefore, I wish you to
23 give us the whole picture, full co-operation. It is only
24 under those conditions that our Commission can be a success.
25 So far I can assure you that everywhere we went we had the
26 greatest possible co-operation. I am sure we are going to
27 have it here. Thank you. Mr. Jacques?

28 MR. JACQUES: I would like to file as Exhibit
29 376 the Sydney Pilotage District General Bylaws. As
30 Exhibit 377, the Bras D'Or Lakes Pilotage District General



1 Bylaws and a series of charts which are as follows:

2 Exhibit 378 which is H.O. Chart 611, Cape Breton Island.

3 MR. LANGLOIS: What is the description of the
4 chart?

5 MR. JACQUES: H.O. Chart. It is a U.S. Chart,
6 No. 611. It is Cape Breton Island. Exhibit 379, which is
7 a Canadian Chart, 4388, Entrance to Great Bras D'Or Lake.
8 Exhibit 380, Chart 4354, Bras D'Or Lake. Exhibit 381,
9 Little Bras D'Or Lake, Chart No. 4389. Exhibit 382, Great
10 Bras D'Or Western Portion, Chart 4387. Exhibit 383, Guyon
11 to Flint Island, Chart 4375. Exhibit 384, Flint Island to
12 Cape Smoky, Chart 4377. Lastly, Exhibit 385, Sydney
13 Harbour, Chart 4315

14
15 --- EXHIBIT NO. 376: Sydney Pilotage District General
16 Bylaws.

17 --- EXHIBIT NO. 377: Bras D'Or Lakes Pilotage District
18 General Bylaws.

19 --- EXHIBIT NO. 378: H.O. Chart 611, Cape Breton Island.

20 --- EXHIBIT NO. 379: C.H.O. Chart 4388, Entrance to
21 Great Bras D'Or Lake.

22 --- EXHIBIT NO. 380: C.H.O. Chart 4354, Bras D'Or Lake.

23 --- EXHIBIT NO. 381: C.H.O. Chart 4389, Little Bras D'Or
24 Lake.

25 --- EXHIBIT NO. 382: C.H.O. Chart 4387, Great Bras D'Or
26 Western Portion.

27 --- EXHIBIT NO. 383: C.H.O. Chart 4375, Guyon to Flint
28 Island.

29 --- EXHIBIT NO. 384: C.H.O. Chart 4377, Flint Island to
30 Cape Smoky.

--- EXHIBIT NO. 385: C.H.O. Chart 4315, Sydney Harbour.

MR. JACQUES: I will call Mr. McLeod, the



1 harbourmaster, please.

2

3

P.M. McLEOD, sworn

4

THE SECRETARY: Your full name, please?

5

THE WITNESS: Percy M. McLeod.

6

DIRECT EXAMINATION BY MR. JACQUES:

7

Q. How old are you?

8

A. Forty-three.

9

Q. You are harbourmaster in Sydney?

10

A. Yes, sir.

11

Q. How long have you been harbourmaster?

12

A. Since 1959.

13

Q. Since 1959. Have you been appointed under

14

the Canada Shipping Act as harbourmaster?

15

A. I have, sir.

16

MR. LANGLOIS: We have a harbourmaster in

17

Sydney and North Sydney.

18

THE WITNESS: North Sydney.

19

Q. Yes, North Sydney. As regards North Sydney

20

do you, in your work as harbourmaster, appoint berths to

21

shipping calling here?

22

A. I do.

2

23

Q. In the course of your duties do you have

24

any dealings at all with the pilots?

25

A. I have very little, but I have had dealings

26

with them.

27

Q. Would you describe those dealings?

28

A. Well, I get along very well with them. I

29

just don't have any trouble with them.

30

Q. What sort of dealings?



1 A. Not to do with berths. A few times I have
2 had wires from different companies that ships would be in
3 the port and I would get hold of the pilots and let them
4 know and they would co-operate.

5 Q. That would be the only dealings you would
6 have with the pilots?

7 A. Yes.

8 Q. Have you given any instructions to pilots
9 as regards movement of ships in harbour?

10 A. No.

11 Q. You haven't?

12 A. No.

13 Q. Do you sometimes take their advice on
14 movement of vessels?

15 A. No, I don't believe I did at any time.

16 Q. You didn't?

17 A. It never arise.

18 MR. JACQUES: Thank you, sir.

19 COMMISSIONER SMITH: Mr. McLeod, while we are
20 waiting for Mr. Langlois, I understand part of your duties
21 were assigning berths; is that correct?

22 THE WITNESS: Well, if the case arise, it would.

23 COMMISSIONER SMITH: Just what circumstances
24 would create that situation where you would assign berths?

25 THE WITNESS: Well, I think it was one occasion
26 that I had, a time a Portuguese ship was down at the Govern-
27 ment wharf and had to be moved, but I think the pilot knew
28 beforehand and by the time I got down it was all
29 straightened away.

30 COMMISSIONER SMITH: These ships that come here



1 making frequent calls, you don't assign berths to them?

2 THE WITNESS: No. It is mostly Canadian

3 National vessels and they more or less look after their
4 own.

5 COMMISSIONER SMITH: So your assigning of berths
6 would be primarily involving foreign ships and not coasters
7 or Canadian-registered ships?

8 THE WITNESS: No.

9
10 CROSS-EXAMINATION BY MR. LANGLOIS:

11 Q. Mr. McLeod, would you tell the Commission
12 what the status of the Harbour of North Sydney is? By
13 that I mean is it the home of National Harbours Board, is
14 it a local Commission or a public harbour?

15 A. Well, now, I think it is a public harbour.

16 Q. Who is your employer? Are you employed by
17 the Department of Transport?

18 A. Transport.

19 Q. You are responsible to whom directly in
20 Ottawa? Who is your immediate superior?

21 A. It is in Dartmouth, in Halifax, I am respon-
22 sible.

23 Q. Dartmouth?

24 A. Department of Transport, Dartmouth, Halifax.

25 Q. Do you mean the D.M.A., District Marine
26 Agent?

27 A. Yes.

28 Q. You are directly under him?

29 A. That is right.

30 Q. This must be a public harbour. Are there



1 any government home wharves here in North Sydney?

2 A. Two, yes; the C.N.R. wharf here and the wharf
3 down the easterly part there.

4 Q. All the other wharves are private wharves?

5 A. Private wharves.

6 Q. Are you responsible for assigning berths?

7 A. It could be if the case arise.

8 Q. How do you go about it?

9 A. It never arise with me. I never had any
10 trouble. The boats that are coming in are mostly regular
11 boats. I suppose that must be the case because I have
12 never had any occasion. There was only one and, as I say,
13 that was one of the Portuguese down at the government -
14 Department of Transport wharf.

15 Q. Am I to understand you assign berths only
16 to government wharves?

17 A. It could be any wharf.

18 Q. How do you go about it? Do you have to get
19 in touch with the agents?

20 A. I can get in touch with the agents for the
21 ship.

22 Q. Or the owners of the wharf?

23 A. Or the owners. There is an agent for the
24 government wharves and I would see him at the time.

25 Q. In assigning these wharves do you have to
26 get in touch with pilots; get advice, information, from them?

27 A. I have got information, but not on those
28 occasions. As I say, it was only once and by the time I
29 got there it was all straightened away.

30 Q. Is there in this port any organized movement



1 control of shipping?

2 A. What was that again?

3 Q. Is there any organized movement control of
4 shipping? Who directs the movement of ships in this port?

5 A. The pilots, I presume, do most of it.

6 Q. I understand your jurisdiction covers only
7 the Harbour of North Sydney?

8 A. Yes.

9 Q. There is a separate harbourmaster for
10 Sydney?

11 A. Yes.

12 Q. My last question: how many private wharves
13 are there in North Sydney?

14 A. There are seven.

15 MR. LANGLOIS: Thank you.

16 COMMISSIONER SMITH: Do the Government have
17 wharfingers?

18 THE WITNESS: Just one.

19 MR. LANGLOIS: Is the wharfinger under you?

20 THE WITNESS: No, he is on his own.

21 MR. JACQUES: Thank you, sir. Mr. Weston,
22 please?

23

24 F.M. WESTON, sworn

25 THE SECRETARY: Could you give us your full name?

26 THE WITNESS: F.M. Weston.

27 DIRECT EXAMINATION BY MR. JACQUES:

28 Q. You are, sir, the District Marine Agent for
29 the area, and your office is in Dartmouth?

30 A. Dartmouth; that is right.



1 Q. Have you prepared, at my request, a summary
2 of the aids to navigation available here in Sydney Harbour
3 and in North Sydney and also in the Gut of Canso?

4 A. Yes.

5 Q. Could you give that statement?

6 A. In Sydney Harbour and North Sydney, a total
7 number of thirteen aids, comprising three manned stations,
8 one unmanned station, four light and sound buoys, five
9 light buoys; total number of reported outages in the last
10 fiscal year is three.

11 Q. For both North Sydney and Sydney?

12 A. Yes. In the entrance to Bras D'Or and
13 Little Bras D'Or, total number of thirteen light stations,
14 nine unmanned stations, four manned stations, two light
15 and sound buoys, fourteen light buoys.

16 Q. Any outages reported?

17 A. Reported in all aids, two for last year.

18 Q. Two outages?

19 A. Right.

20 Q. Would these outages for Bras D'Or Lake and
21 also Sydney be on unmanned stations or manned stations?

22 A. The two in Bras D'Or were on light buoys
23 which would be unmanned.

24 Q. And those in Sydney?

25 A. Two of the outages were Sydney range lights.

26 Q. Sydney range lights?

27 A. Yes; they are manned in the sense they have
28 a permanent caretaker who attends them daily, and there is
29 one outage in the front range and one in the back range.

30 Q. Have you anything also on the Gut of Canso?



1 A. Yes, total of eight aids, comprising two
2 manned stations, four unmanned stations, one light and
3 sound buoy and two lights buoys; total outages one on one
4 of the range lights.

5 Q. Were these range lights manned or unmanned?

6 A. Unmanned.

7 Q. Unmanned. Have you had the opportunity to
8 prepare similar information for other places where ships
9 use local pilots in coming in?

10 A. I don't know of any in this area.

11 Q. Thank you, sir. Have you had a request
12 from the Sydney pilots to change the position of the fog
13 horn on the sand bar at the entrance to Sydney Harbour?

14 A. I don't think we had any request, but at
15 one time this fog alarm - it was attempted to maintain a
16 fog alarm out in the lake by remote microwave control,
17 and this proved unsatisfactory here as it has in most
18 other locations due to dampness. It is impossible to keep
19 the engines sufficiently dry so that they would start by
20 remote control.

21 Q. Would you explain briefly how this micro-
22 wave control works?

23 A. Well, there is a master station ashore
24 which would be manned - and I don't know the electronic
25 technical detail, but it could be started by remote
26 control by operating the switch in the manned station
27 which sends an impetus to the receiver on the remote
28 station which, through a system of relays, will first
29 start the compressor, prime mover generally, gas or
30 diesel engine, and this will provide the air pressure to



1 operate the horn.

2 Q. How is the fog alarm signal worked now here?

3 A. It is inshore from the light on the built-up
4 section of the bar which is accessible from land. It is
5 in the same category as any manned fog alarm.

6 Q. Somebody goes there and pushes it in?

7 A. We have a lightkeeper.

8 Q. Do you recall any request to change the
9 position of that fog alarm recently?

10 A. No, not recently. I have only been in the
11 District a few months. Since I have been here there have
12 been no requests.

13 MR. JACQUES: No requests since you have been
14 in your office. Thank you very much.

MR/dpw

15
16 CROSS-EXAMINATION BY MR. LANGLOIS:

17 Q. Mr. Weston, above this Sandy Point Typhon
18 has any study been made of the possibility of changing the
19 location of this fog horn?

20 A. Yes.

21 Q. Has any suggestion been made as to the
22 improvement of the location so that it would be used more
23 effectively to make the curve into the salt arm?

24 A. We have considered the possibility of
25 submarine cables through this area but this is impractical
26 due to the ice pressures which gouge the sand bar out so
27 badly we would lose the cable every winter.

28 Q. What about overhead wires?

29 A. If we could get a pier in here that we
30 could hold under the ice pressure but the span from the



1 light to the bar is too long.

2 CAPT. HUNTLEY: You mean from the solid ground
3 to the light?

4 THE WITNESS: Yes.

5 CAPT. HUNTLEY: It is too long?

6 THE WITNESS: Yes.

7 Q. You said that you have not received a
8 recent request from the pilots. When was the last request
9 made regarding this typhon?

10 A. I don't know.

11 MR. LANGLOIS: Thank you, sir.

12 THE CHAIRMAN: Thank you, Mr. Weston.

13 MR. JACQUES: My lord, may Mr. Weston be
14 excused? He has to return to Halifax.

15 THE CHAIRMAN: Yes. Do you have any objection?

16 MR. LANGLOIS: No.

17 THE CHAIRMAN: That is all right, Mr. Weston.
18 You are excused if you want to leave.

19

20 JOHN P. PARKER, sworn

21 THE SECRETARY: Would you give your full name,
22 please?

23 THE WITNESS: John P. Parker, captain.

24 DIRECT EXAMINATION BY MR. JACQUES:

25 Q. How old are you, Mr. Parker?

26 A. I am 55.

27 Q. And I believe you are the local supervisor
28 for the Pilotage District of Sydney and Bras D'Or Lakes?

29 A. Yes, sir.

30 Q. Would you look at these documents and tell



1 me whether they are exact copies of the originals that
2 were filed?

3 A. Yes, these appear to be in order. They
4 originated in my office, except that one (indicating).

5 Q. Would you file as Exhibit No. 386 your
6 annual return for 1962?

7
8 --- EXHIBIT NO. 386: Annual Return for 1962.

9 --- EXHIBIT NO. 387: Annual Return for 1961.

10 --- EXHIBIT NO. 388: Annual Return for 1960.

11 --- EXHIBIT NO. 389: Annual Return for 1959/60.

12 --- EXHIBIT NO. 390: A statement of reported
13 casualties where pilots are
14 involved in the District of
Sydney for the year 1956 to
1962, inclusive.

15 --- EXHIBIT NO. 391: A list of the pilots on
16 strength in the Districts of
Sydney and Bras D'Or Lakes.

17
18 THE CHAIRMAN: Both together?

19 MR. JACQUES: Yes, sir, they are in one.

20
21 --- EXHIBIT NO. 392: In a bundle, the Sydney
22 pilots' pension fund account
for the years 1962, 1961.

23
24 MR. JACQUES: These are all for the District of
25 Sydney. And now for the District of Bras D'Or Lakes, as
26 Exhibit 393, in a bundle, the statement of revenue and
27 expenses for the years 1962 back to 1958, 1959.

28
29 --- EXHIBIT NO. 393: Statement of revenue and
30 expenses for the years 1958,
1959 to 1962.



1 Q. Would you look at these documents and tell
2 me whether they originated from your office?

3 A. Those are correct, sir.

4 Q. Lastly, as Exhibit 394, a statement of
5 reported casualties where pilots were involved in the
6 District of Bras D'Or Lakes since 1956 to date.

7
8 --- EXHIBIT NO. 394: Statement of reported casual-
9 ties from 1956 to date for
10 the District of Bras D'Or
11 Lakes.

12 Q. Would you briefly describe, sir, how you
13 administer these two Districts of Sydney and Bras D'Or
14 Lakes?

15 A. They are administered entirely separately
16 and have no connection except through my office. Sydney
17 pilotage is organized on lines that were laid down many
18 years ago.

19 The pilots have a system of despatch amongst
20 themselves, which is carried out in the following manner:
21 the pilots are divided into two groups through custom and
22 have been in these groups for many years. Now, one group
23 goes on duty on Wednesday at 10 a.m. and it remains on
24 duty continuously for the following week, when they are
25 replaced by the other watch, the other half.

26 Each man performs a duty in rotation according
27 to fixed custom. That is to say, one man always follows
28 the same other man as their duties occur.

29 They spend this week on duty at the Indian Beach
30 pilot station which is connected by shoreline telephone



1 with the source of incoming information, and also by radio
2 telephone with our two boats. The general procedure here
3 is for the next on-turn pilot to take all the incoming
4 telephone calls and thus despatch himself for the turn,
5 that is a way.

6 Sometimes he may have to wait quite a while;
7 other times it passes very quickly from one pilot to
8 another. On leaving the station to perform a pilotage
9 duty, he hands over to his next on turn, who eventually
10 despatches himself to a ship.

11 Q. Would you describe the pilot station and
12 what facilities are available to pilots at the station?

13 A. The pilot station is an oblong building,
14 fitted up with bathroom facilities, galley facilities and
15 a private cubicle, a small cubicle for each pilot; that
16 is to say for each on watch.

17 Q. How many would that be?

18 A. Actually, there are seven rooms, or seven
19 cubicles there, of which we are presently using six. We
20 have now twelve effective pilots.

21 There is also a common room where the pilots
22 may spend their daylight time and contains the telephones
23 and RT sets and each cubicle is also fitted with a tele-
24 phone jack and we have a portable telephone which the next
25 on-turn pilot takes to his room when there is nothing doing
26 at the time and he, thus, is ready to take his call
27 immediately.

28 Our boats, which are adjacent, are also fitted
29 with shoreline telephones and RT sets. On a pilot being
30 advised that pilotage is required, he immediately notifies



1 the boat, whichever one is required, and warns them that
2 he will be leaving at a certain time.

3 COMMISSIONER SMITH: Before you move on, I am
4 not sure it is clear to me about the pilots despatching
5 themselves. What is the procedure? The ship is outside
6 and she wants a pilot. What is the next step to that?

7 THE WITNESS: The boat has presumably provided
8 an E.T.A. which can go through two different ways.
9 Generally it comes directly from the radio station, which
10 is situated in this town V.C.O., wireless telegraph
11 station, and on receipt of the message from the ship, the
12 wireless station will telephone direct to the pilot
13 station and thus advise the pilot.

14 COMMISSIONER SMITH: The pilot station at Indian
15 Beach?

16 THE WITNESS: The pilot station at Indian Beach.
17 In other words, the ships are not despatched from my
18 office. They are despatched from the station. On the
19 outgoing ships, and some of the incoming ships where the
20 E.T.A. is passed directly to the agent, the agent will
21 then 'phone the station direct and speak to the pilot who
22 then despatches himself. However, in practice, these things
23 are known a little way ahead, so that they generally do not
24 occur as a surprise.

25 COMMISSIONER SMITH: Do you have tugs in the
26 Sydney Harbour?

27 THE WITNESS: Yes, sir, we have one towboat.

28 COMMISSIONER SMITH: In the case of a ship
29 requiring a tug, how is that arranged? Through the agent?

30 THE WITNESS: It is arranged through Dosco, sir.



1 If it is a ship that is not consigned to Dosco, the agent
2 then makes arrangements with Dosco to have the tug
3 provided.

4 COMMISSIONER SMITH: Thank you very much.

5 THE CHAIRMAN: These pilots are not involved in
6 arranging for tugs?

7 THE WITNESS: No, sir.

8 THE CHAIRMAN: Either the agent or the Dosco
9 company direct?

10 THE WITNESS: Yes. The master on a strange
11 ship will sometimes ask a pilot if there is a towboat
12 available, which sometimes is too short notice but usually
13 the message is passed ashore, "The tugboat is required."

14 THE CHAIRMAN: It goes to the agent. The agent
15 makes his own arrangements?

16 THE WITNESS: It's really quite a bit simpler
17 than that. It can go straight to the dock office, which
18 is the dock operation of Dosco who then advises the tow-
19 boat to proceed.

20 Q. Now, you mentioned your boats. Would you
21 describe those boats; how old they are and in what condi-
22 tion they are?

23 A. There are two pilot boats. The first one
24 is known as pilot boat No. 4 which was built by the Sydney
25 pilots on a loan from the Department and which was paid
26 off many years ago.

27 Q. Do you recall when?

28 A. 1941, possibly. She was built late in 1942
29 or 1943 so this vessel is the property of the pilots,
30 although she is registered in the name of Her Majesty the



1 Queen.

2 Q. Her operation has been taken over by the
3 Department of Transport?

4 A. Yes. Since 1950 the Department of Trans-
5 port have maintained this boat.

6 Q. And to the best of your knowledge were the
7 pilots paid by the Government for that boat?

8 A. No, sir.

9 Q. They were not?

10 A. No. They were never paid for the boat.

11 Q. Do you know what arrangements were made
12 between the then pilots and the Department?

13 A. No. When the boat is finally sold, it is
14 generally understood that the funds received for the boat
15 will be returned to the pilots. That has been the custom
16 with the other boats.

17 Q. Is there any compensation paid by the
18 Department to the pilots for the use of that boat?

19 A. None so far, sir, except the use of the
20 boat.

21 COMMISSIONER SMITH: No account for deterioration?

22 THE WITNESS: No, sir. When the boat is sold
23 she will be sold under pretty well the jurisdiction of the
24 Minister of Transport and the money received for that boat
25 will probably go to the Receiver General and be reimbursed
26 to the Sydney pilots.

27 Q. Have you anything in writing on your file?

28 A. Nothing but precedent, sir. We sold a boat
29 here about ten years ago and that is how that was carried
30 out. A boat which was paid for wholly by the pilots



1 originally.

2 Q. Now, what about the equipment in the boat?
3 To whom does it belong?

4 A. This is sort of an evolutionary affair.
5 When the Department took over the boat, they took it as
6 it was, and as replacements and renewals and additional
7 equipment were put aboard, the Department paid for it.

8 Q. What equipment does she carry?

9 A. She carries radar, full life-saving equip-
10 ment and very high frequency radio transmitter and
11 receiver. It's on three frequencies which allows us to
12 maintain communication between the boats and the station
13 and some ships that are equipped with that frequency and
14 the V.C.O., the local radio station.

15 Q. Who installed that equipment?

16 A. The telecommunications branch of the
17 Department of Transport.

18 Q. What about the radio telephone in the
19 pilot station; by whom was it installed?

20 A. It was installed by the Department of Trans-
21 port.

22 Q. And the second boat; how old is she?

23 A. The second boat was built in 1954 in Pictou,
24 steel construction. She was paid for completely by the
25 Department of Transport.

26 Q. And what equipment does it carry?

27 A. It carries - I should have mentioned that
28 the pilot boat No. 4 has a radar but this pilot boat No. 3,
29 which is the second boat, has no radar but has the same
30 duplicate radio installation which was also installed by



1 the Department.

2 Q. Have you received any complaints from
3 pilots as regards the state of these two boats; the
4 condition of them?

5 A. No.

6 Q. You have not?

7 A. No, everything goes on. These RT sets are
8 not too satisfactory. Sometimes in a small boat where
9 your power supply is not dependable - for some years we
10 have maintained V.H.F. sets. I am told they were the
11 first of that type. We were the first to use these V.H.F.
12 sets, and we had those in. They gave us a lot of trouble
13 over the years. They were maintained. We have recently
14 received improved sets.

15 Q. Have you received any comments from the
16 pilots as regards the suitability of these two boats for
17 their work?

18 A. Not adverse. They built the Highlander,
19 the pilot boat No. 4, themselves, so they know what she is
20 like and the second boat gives satisfactory service. We
21 have a peculiar type of service required in this port.
22 Through five months of the year we have some ice. Some-
23 times a lot, sometimes not too much, but from any time
24 before Christmas until early May these boats may have to
25 operate on ice, and therefore, have to be a sturdy type
26 that will not be damaged easily, and we have hold-ups
27 every once in a while, but very seldom the two boats are
28 down at the same time.

29 Q. Very seldom?

30 A. Practically never.



1 Q. How many crew members would there be?

2 A. The larger boat, No. 4, is operated with
3 two men who are designated as a launchman and a deck hand.

4 Q. Do they have any qualifications of any
5 kind; any certificates?

6 A. The master, the launchman, is required to
7 have a certificate enabling him to take charge of a
8 passenger steamer of less than 40 tons gross tonnage, and
9 in this case it amounts to the minor grades of steamship
10 certificates, or a temporary master's certificate; he may
11 have one or the other.

12 Q. What certificate does your launchman have?

13 A. One of them has a steamship in the home
14 trade for vessels less than 350 tons and the other man has
15 a temporary master's certificate for vessels of less than
16 40 tons gross.

17 Q. Are your boats manned 24 hours a day?

18 A. Yes, sir.

19 Q. How many shifts do you handle?

20 A. They are on the same shifts as the pilots.
21 That is, the same men go on every Wednesday with the
22 pilots.

23 Q. Two of them?

24 A. Two on the large boat.

25 Q. And on the small boat, how many?

26 A. On the small boat there is one man, and he
27 is required to have a certificate for passenger vessel
28 less than - being a temporary master's certificate for a
29 passenger vessel less than 40 tons gross tonnage.

30 Q. What certificate has he got?



1 A. One has a home trade ticket for less than
2 350 tons and the other man has a ferry boat certificate
3 for inland waters which is considered superior to a tempo-
4 rary master's certificate.

5 Q. And there is only one man at a time on the
6 small boat?

7 A. That is correct, sir.

8 Q. When she goes out with a pilot or to pick
9 up a pilot is she manned by one man only?

10 A. Yes. The only exception being if she is
11 going - if the other boat is not in commission at that
12 moment, and she is required to put a pilot on board an
13 incoming ship, it is usual for us to take the deck hand
14 off that boat and put him on the small boat.

15 Q. Why?

16 A. So there will be two men.

17 Q. Why?

18 A. It is considered important - there is more
19 danger attached to a pilot boarding a ship in the seaway,
20 for various reasons, than there is disembarking. Several
21 reasons; one of which you can say was that a pilot boarding
22 a ship in the seaway has no means of telling how his ladder
23 is secured on top, for instance, and carelessness on the
24 part of anybody on deck can cause the pilot to take a jump
25 for the ladder and the whole thing come away. That is a
26 remote possibility but it is always present.

27 The other reason, of course, is that he boards
28 in more open water where the swell is greater and there is
29 more chance of his losing his hold, or for some reason
30 falling into the water and the second man ensures that they



1 would get him aboard the pilot boat, whereas one man would
2 have a very difficult time.

3 On the other hand, on disembarking the pilot,
4 we consider that a different story because he can examine
5 the lashings of the ladder himself. It is coming down,
6 not going up and in smoother water.

7 Q. What about during the winter now: do you
8 use both boats during the winter also?

9 A. We maintain both boats during the winter
10 but we don't necessarily use them, as our custom is to
11 give these boatmen their vacation in the winter. We
12 don't usually have more than two men at a time on watch
13 and that precludes the use of two boats.

14 Q. But do you use the other one differently?

15 A. In the wintertime, yes, except the larger
16 boat is much more efficient in ice.

17 Q. How many men would you have all told as
18 members of the crew of both boats?

19 A. Six men.

20 Q. And three of them on watch at a time for
21 the week?

22 A. That is right.

23 Q. And they are D.O.T. employees?

24 A. Yes, sir.

25 Q. Now, sir, do you keep an establishment book?

26 A. Yes, sir.

27 Q. And what information does it contain?

28 A. Pilot's name, certificate he holds, the
29 time he joined the service, his age. There is very little
30 else in our book because there has been very little to put



1 down. The serving pilots have had no reprimands of any
2 kind during their service so it has not been necessary to
3 make any entries in it.

4 Q. Make any entries in that respect. The
5 licences which are issued - do they contain any restric-
6 tions or mention whatever as regards the duties which the
7 pilot may perform, or his qualifications?

8 A. I cannot answer that, sir. There are no
3 9 new certificates. There is very little on them. They are
10 in book form, folder form, just fits in the pocket. It's
11 a certificate signed by the Minister stating that the
12 pilot is certified to act in Sydney Harbour.

13 Q. To the best of your knowledge would any of
14 them contain restrictions as regards the tonnage of the
15 vessel which the pilot may handle?

16 A. No, sir. They are all considered the same
17 here.

18 Q. Any restrictions on the time for which the
19 licence is valid?

20 A. .No, I don't think so. That information is
21 carried in other places.

22 Q. Any mention about having qualifications in
23 respect to radar?

24 A. No, sir.

25 Q. None of that. Now, do you keep a file on
26 each one of your pilots?

27 A. Yes, sir.

28 Q. What information do you keep in those files?

29 A. There is not too much in this case. Well,
30 there is really no information in them that would not be



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1 somewhere else, in another file. Our files generally on
2 pilots here are very sparse because there has been no
3 reason to write concerning an individual pilot until such
4 time as he reaches the age of 65 when, under the Act, he
5 is entitled to request that his licence be extended for a
6 year and if, in any case, his pilot licence is called in
7 and cancelled, it has "Cancelled" across the face and even
8 if the licence is extended, it's a renewal form rather than
9 a new licence.

10 Q. Have any of your pilots been injured in the
11 course of their duties?

B/dpw 12 A. Not seriously, unless you call in transit
13 by road - we had one of our pilots injured in transit.

14 Q. I would mean in the pilot boat or boarding
15 vessels, disembarking.

16 A. We have had a couple of sprained ankles.
17 That seems to be about it.

18 Q. That is since you have been in office here?

19 A. In a small way, not hospitalized or lost
20 for any length of time.

21 Q. Now, sir, do you keep a form which is
22 called the Pilot's Work Load issued by the Department of
23 Transport?

24 A. Yes, sir. For the last short period we
25 have kept this form.

26 Q. Do you still keep them?

27 A. Yes, we still keep them.

28 Q. Do you keep a log on your pilot boats?

29 A. Yes, there is an official - not official
30 log; a working log on a form provided by the Department of



1 Transport.

2 Q. What information is contained in the log?

3 A. His times of arrival and departure from
4 the pilot station, the name of the pilot that he embarks
5 or disembarks, the name of the ship, the time he returns,
6 the fact that he has checked the oil in his boat, and any-
7 thing of an unusual nature.

8 Q. Now, sir, have you had any occasion to
9 licence a pilot since you have been in office?

10 A. Not for the Sydney District.

11 Q. Not for the Sydney District?

12 A. No.

13 Q. From your files are you able to tell the
14 Commission how the previous Supervisor proceeded when he
15 wanted to licence a pilot?

16 A. It is laid down that when new pilots are
17 required or a new pilot is required that public notice
18 is published in the paper and a Board set up. That is laid
19 out in the Sydney bylaws, and I imagine they are the same
20 as for other Districts, and an examination is conducted
21 among the applicants who have to have certain qualifica-
22 tions which are laid down.

23 Q. Now, have you had any problems with disci-
24 pline?

25 A. No, sir, not in this District or the other
26 District either.

27 A. We will deal with Bras D'Or later on so we
28 don't get the evidence mixed up. You have also explained
29 how the despatching is done.

30 A. I didn't mention that when a man has



1 performed his duty, performed a pilotage, it is usual for
2 him to return to the station in the boat and then go on
3 the bottom of the list. This is not always adhered to
4 closely. If he knows that his turn is not going to come
5 very quickly there is no great haste coming back to the
6 station. We would get his source card eventually and
7 enter it and use the information to make out invoices and
8 so on.

9 Q. Since you have been in office has it
10 happened that a pilot whose name was on the assignment
11 list was not available for duty when required?

12 A. Due to the system of despatching I can't
13 answer that question. A ship has never been delayed.

14 Q. To your knowledge.

15 A. To my knowledge.

16 Q. To your knowledge, for lack of a pilot?

17 A. If a pilot should happen to miss his turn
18 his next-in-turn would fill in.

19 Q. And so there would be no complaint?

20 A. There would be no complaint made.

21 Q. In that respect by anyone?

22 A. No. I think that there are times when a
23 pilot near an assignment might be absent for some reason
24 and be a little late coming back, but it is a small unit
25 and they fill in for one another.

26 Q. You are entitled under your bylaws to make
27 rules for the conduct of pilots, the use of buildings and
28 equipment and the attendance before yourself. Have you
29 made any rulings in respect to these three subjects -
30 conduct of pilots?



1 A. No. The pilots here are conscientious men.
2 They were here before I came. They have their own rules
3 pretty well laid down. They are sober and interested in
4 their work and they require direction only on specific
5 matters.

6 Q. Have you made any rules concerning the use
7 of buildings or the pilot station by the pilots?

8 A. No; the buildings are there for the pilots
9 to use. Their custom is for each to have a room. They
10 have been carrying out the same routine for years.

11 Q. I believe this building was moved to that
12 particular station some time ago.

13 A. Before, the pilot station was some miles
14 further towards the entrance of the harbour and as time
15 and conditions changed it was decided to move the station
16 inside further and the building was obtained from the
17 War Assets Corporation and moved to its present location.

18 Q. Who purchased that building? Would you know
19 that from your records?

20 A. Well, now, I am not quite positive of that,
21 but the pilots got the building and they thought they
22 might have to pay for it and they got it anyway and they
23 had it set up and in the end the Department decided to
24 undertake it.

25 Q. From your records, are you able to say who
26 bore the expense of moving the building and setting it up?

27 A. I wouldn't know that offhand, sir.

28 Q. Would you look through your file and see
29 if you could find that information for the Commission?

30 A. I would, sir.



1 Q. Do you collect dues?

2 A. Yes, sir, I collect all the dues of the
3 ships using this harbour.

4 Q. For your billing do you use the depart-
5 mental form?

6 A. Yes, sir.

7 Q. Do you use also the pilot's source card
8 issued by the Department of Transport?

9 A. Yes, sir.

10 Q. Do you have any difficulties in collecting
11 your bills?

12 A. Very, very little; very little.

13 Q. Has it happened that you have had to hold
14 a ship up for failure to pay dues?

15 A. On occasion.

16 Q. Would you describe those occasions, please?

17 A. These are almost always involving small
18 ships that are owned, probably owned, in this country,
19 and it is usually the master or owner of the ship thinking
20 he has been unjustly charged for pilotage when he has not
21 availed himself of the services of a pilot. On these rare
22 occasions we have threatened to hold the ship and settle-
23 ment is almost invariably made.

24 Q. Were the dues eventually paid?

25 A. I think, in this District, in the last 12
26 or 13 years, we have probably missed out on something like
27 \$150 or \$160 which is almost entirely due to American
28 draggers which come in here and are subject to compulsory
29 pilotage and they get out without our catching them or
30 they refuse to pay up afterwards or the ship becomes lost



1 or the ownership changed and we can't trace them down. It
2 is very minor.

3 Q. I show you Exhibit 386 which is your annual
4 report for the year ending December 1962, and on the third
5 page of this document I note that the outstanding accounts
6 amount to \$13,274.22. Would you explain the reason for
7 this fairly large amount outstanding?

8 A. Well, \$8,000 of that was due to the C.N.R.,
9 which has always been in arrears. It is in arrears.

10 Q. Is it always in arrears by that amount?

11 A. Sometimes. It is usually not that much.
12 It just happened at the end-of-the-year business. They
13 pay within 30 days. We bill them and they have to process
14 it and eventually we get it.

15 Q. The C.N.R., \$8,600, roughly. That would
16 represent how many trips?

17 A. Probably two months.

18 Q. Two months?

19 A. Dominion Coal Company is \$1,800. That isn't
20 a large amount for them. Their accounts are settled
21 several times a month because they like to clear them up.
22 The Lorway, the same. It just happened these ships came
23 in at the end of the month and were settled shortly after-
24 wards.

25 Q. I see Irving Oil is in arrears. How many
26 trips or ships would these arrears represent?

27 A. At this time, the end of the year, we had
28 some large tankers coming in; for instance, one like is
29 out there this morning, in and out. However, that is all
30 settled now. I might add, all these accounts were



1 settled in due course except the United States Navy, who
2 still owe us some money. That is sort of a long procedure,
3 to collect money from some American ships. They don't
4 seem to have any set rule of collecting and the way we
5 usually do it is to send it to the United States Ambassador
6 in Ottawa and he sends it along. It is a matter of finding
7 the right channel.

8 Q. And the channels change every year?

9 A. It changes from ship to ship, sir.

10 Q. Still referring to the same item, would
11 you explain the bank balance for 1961 of \$21,915? Do you
12 always have such a large bank balance at the end of your
13 fiscal year?

14 A. This isn't the fiscal year. It is the
15 calendar year.

16 Q. At the end of the calendar year?

17 A. At the end of December shipping cuts down
18 here to a great extent and may stop almost entirely some
19 years. This money is to cover the pay list for the next
20 three months until shipping starts again.

21 Q. Do you carry a similar amount every year?

22 A. Yes. It is at the pilots' own request.
23 We could give it to them in a lump sum at the end of the
24 year, but they would rather carry it on into salary. It
25 amounts to the same thing, anyway.

26 Q. In the long run?

27 A. In the long run.

28 Q. The last item - would you explain that?
29 Refund from June convention.

30 A. That item is shown here because the members



1 of the Pilotage Committee went to the Merchant - Canadian
2 Merchant Officers' Guild Convention and they had more
3 money - more money was advanced to them out of the fund
4 than they needed, so on their return with their vouchers
5 there was a credit of \$122 which they turned back to us
6 and which we put back into the fund.

7 THE CHAIRMAN: That corresponds with the last
8 item of disbursement?

9 MR. JACQUES: I was coming to that.

10 Q. Now, as regards disbursement, can you
11 explain the mention "Pilot boat charges for 1961 and 1962"?
12 What would those be? Would that be the monies which you
13 turned over to the Receiver General of Canada?

14 A. The Receiver General, yes, sir. That is
15 what it is, at the end of the year. That was pilot hire
16 collected during the previous year and this was for, like,
17 December.

18 Q. It corresponds to the collection item?

19 A. It showed up there; pilot boat charges,
20 1962. It gives the same amount. That amount was sent to
21 the Receiver General as a disbursement.

22 Q. Would you explain the item "Pilots'
23 Committee expenses"?

24 A. The Pilots' Committee consists of three
25 members and according to a letter from the Sydney pilots
26 in a meeting, an annual meeting, it was decided that each
27 member, for his additional expenses, while acting as a
28 Committee member, would be awarded \$100 a year. That is
29 \$300 of that \$1,200 included in there. The remainder is
30 mostly for the expenses of the Guild trip. However, that



1 is covered in the bylaws of the District where expenses
2 approved by all the pilots can be a direct deduction from
3 the pension fund.

4 Q. Now, sir, are there any bank loans outstan-
5 ding in this District?

6 A. No, sir.

7 Q. Would you refer to your bylaws, Section 6,
8 subsection 1, and tell the Commission your interpretation
9 of this particular section? Would you read it?

10 A. Section 6, paragraph 1:

11 "The payment of pilotage dues is set forth
12 in this schedule as compulsory for all
13 vessels of 1,000 tons or over that are not
14 exempted by the Act or by bylaw."

15 Q. How do you define exempt in practice?

16 A. I have always interpreted this to mean a
17 British ship of less than 1,000 tons is exempt from compul-
18 sory pilotage.

19 Q. And a foreign ship?

20 A. Foreign ship is not mentioned at all, and a
21 foreign ship is always subject to pilotage except those
22 released or exempt.

23 Q. Does that agree with the interpretation
24 which was submitted to you by the Department?

25 A. It is the way we have carried this out,
26 and perhaps a short explanation of why this is in here ---

27 Q. Yes, would you explain that, please?

28 A. Some of our small shipowners, small vessels,
29 felt that they should not pay compulsory pilotage for
30 those vessels if they weren't exempt by reason of size,



1 which is 250 tons. In other words, a vessel over 250
2 tons net is subject to compulsory pilotage.

3 COMMISSIONER SMITH: What about a ship of 1,000
4 tons or over engaged in the coasting trade?

5 THE WITNESS: That argument was always overcome
6 by the fact if she only ran between the same place; if a
7 vessel ran between, say, Sydney and another port in the
8 Maritime Provinces, all right, but if she ever went to any
9 other port that would break the routine.

10 COMMISSIONER SMITH: What about going to ports
11 in Quebec?

12 THE WITNESS: Unless she went to the same port
13 all the time.

14 COMMISSIONER SMITH: She would be liable to the
15 dues?

16 THE WITNESS: Liable to the dues, yes, sir.
17 However, to continue about these owners of small vessels
18 registered in Canada, I know they always complain rather
19 bitterly about paying pilotage where they don't use the
20 services of a pilot. It is my understanding that they
21 eventually brought pressure to bear to have themselves
22 excluded from compulsory pilotage in this District. At
23 that time we had a very small amount of correspondence on
24 this matter and it was mostly verbal discussion. A new
25 section was submitted to us or to the bylaws through me
26 to exempt these small vessels if the larger vessels using
27 the port - if their rates were increased 5% to compensate.
28 The pilots had no objection to this because it is their
29 revenue that was being affected and if it was being compen-
30 sated for they had no objection. Therefore, this thing



1 went through in its present form.

2 However, it is now thought we haven't been doing
3 the right thing about this, and I am still not convinced.

4 COMMISSIONER RENWICK: Could I ask: wouldn't
5 that be unfair to the owners of the larger vessels? They
6 wouldn't be the same owners?

7 THE WITNESS: No, sir.

8 COMMISSIONER RENWICK: So the impost is put on
9 the big owner to let the little man off scot-free?

10 THE WITNESS: That is the story, sir. As there
11 is no mention of any vessels other than those of Her
12 Majesty's Dominions mentioned in this section we have
13 always assumed foreign vessels are not affected and they
14 will pay as they pay in other places and as our own vessels
15 pay in foreign ports.

16 Q. Are you able, from your files, to tell us
17 the number of vessels under 1,000 tons which took pilots
18 last year and those that didn't take pilots and paid for
19 pilotage and those which were British and didn't take
20 pilots and didn't pay and those which were British and took
21 pilots and paid for them?

22 A. Did you ask me for that yesterday? You
23 want it now?

24 Q. Not now. Have you got information?

25 A. It will take quite a while for us to get it.

26 MR. LANGLOIS: Could this be forwarded at a
27 later stage?

28 MR. JACQUES: We will try to get that information
29 for the hearing here.

30 THE CHAIRMAN: We will keep that in mind.



1 Q. To come back to your boats - I am sorry to
2 revert - are they licensed to carry passengers?

3 A. Yes.

4 Q. How many passengers?

5 A. The larger boat is licensed to carry seven,
6 inclusive of her crew, and I am not sure of the other; I
7 think it is five.

8 Q. Do you find that you have to exceed that
9 number sometimes?

10 A. No.

11 Q. Are the boats used for any other purposes
12 than pilotage?

13 A. On occasion we assist the customs officers
14 or the Immigration.

15 Q. Would that be very frequent?

16 A. Not very frequent. It is not a duty.
17 There is no instruction on it. We just do it to co-operate.

18 Q. How often did that happen last year?

19 A. Maybe ten times.

20 Q. Ten times. When that happened were pilots
21 deprived of the use of their boats?

22 A. No, sir. It is understood we will only do
23 that when they are not engaged on pilotage duty.

24 Q. Now, to come back to the question: have you
25 received any complaints as to the state of the station?

26 A. The state of the station?

27 Q. The condition.

28 A. Condition?

29 Q. Yes.

30 A. Not formally - no, there is no complaint.



1 If the Pilot Committee approach me on any matter which I
2 consider reasonable I will take it up with the authorities
3 and do what I can to make things a little better. This
4 has happened from time to time.

5 Q. I note, from your annual return of 1962,
6 Exhibit 386, that there is no mention of any expenses in
7 respect to the pilot station.

8 A. They are not charged against the pension
9 fund at the present time.

10 Q. Pardon?

11 A. They are not a charge against the pension
12 fund. The expenses of the pilot station are paid through
13 a regular - either purchase form of the Department or
14 accounts payable voucher.

15 Q. Would you have records of the monies
16 expended last year on the station?

17 A. Yes, sir.

18 COMMISSIONER SMITH: Excuse me. While you are
19 on pensions I wonder if the witness would enlighten me.
20 I know by a whole lot of arithmetic I can establish how
21 much a pilot could get after a certain number of years
22 of service, but the question I would like to ask is this:
23 in some of the cases I see where a pilot - one of the
24 pilots - is paid something over \$2,000 a year; could you
25 tell me how many years service he would have to put in in
26 order to qualify for that size of pension?

27 THE WITNESS: Was that Lee?

28 COMMISSIONER SMITH: I don't know.

29 THE WITNESS: There was none of the pilots that
30 go back beyond 1937 in service.



1 COMMISSIONER SMITH: There is one pilot, accor-
2 ding to information supplied me, that gets over \$2,000;
3 another one, \$1,700. I haven't got that before me.

4 THE WITNESS: It is computed like this: \$75
5 per year of service.

6 COMMISSIONER SMITH: I was trying to get a short-
7 cut. Do you know offhand how many years?

8 THE WITNESS: Something over 20.

9 COMMISSIONER SMITH: Something over 20.

10 THE WITNESS: Between 20 and 25.

11 COMMISSIONER SMITH: In order to get that size
12 pension, thank you.

13 THE CHAIRMAN: I understand you still have quite
14 a few questions. We are going to adjourn for a few minutes.

15

16 --- Short Recess

17

R/dpw 18 Q. Would you explain the vacation system which
19 prevails here in Sydney, please?

20 A. During the Spring, starting the 1st of
21 April, the routine is set up whereby half the pilots are
22 off a week, and then free for a week and that carries on
23 until the first day of December, when it is reduced. That
24 is to say, only recently have they been having five pilots
25 on station.

26 Q. Instead of six?

27 A. Instead of six. It has been six-and-a-half
28 or seven until very recently on account of pilots being
29 superannuated and then after the beginning of the year we
30 have been reducing that to three. Three come out for a



1 week, three men come out and keep watch there for a week,
2 and that, of course, leaves them considerable time off
3 before their turn on the roster comes around again.

4 During the winter they will have at least two
5 periods of three weeks off, although they are still tech-
6 nically on standby if required.

7 Q. Has it happened that you had to request a
8 greater number of pilots to be available during the winter
9 than the three who would be standing by on the station?

10 A. I don't think such a thing has happened;
11 it might have.

12 Q. Do they enjoy any other vacation time or
13 leave period?

14 A. Not officially.

15 Q. Unofficially?

16 A. Unofficially, a pilot may ask if another
17 pilot can do his week for him and he will pay him back
18 later, but this is the exception.

19 Q. Are you notified when this exchange takes
20 place?

21 A. Yes, sir.

22 Q. You are?

23 A. Yes, sir.

24 Q. Now, sir, do you keep a file on aids to
25 navigation?

26 A. Yes, sir.

27 Q. And have you brought your file with you?

28 A. Yes, sir.

29 Q. Would you state what is contained in that
30 file?



1 A. Well, it's mostly letters; telegrams to the
2 Marine Agent in Halifax, Dartmouth, about aids that are
3 not functioning properly in this whole area.

4 The pilots are required to report any aid not
5 working, or out of position and as well as that, in this
6 whole area, outside people pass information which we send
7 on to Halifax.

8 We also have letters, practically all of them
9 are to the Marine Agent in Halifax on odds and ends in
10 connection with these buoys.

11 Q. And would you have, in your file, the date
12 on which the change of the fog alarm on the southeast bar
13 was requested?

14 A. I am afraid we don't go back far enough
15 for that.

16 Q. How far back do you go in your file?

17 A. This file goes back to 1957 but there was
18 considerable correspondence on that matter and we finally
19 dropped it because they wouldn't ---

20 Q. When was it dropped?

21 A. Well, have to look through this and see if
22 it is still on this file. We have considerable correspon-
23 dence on the Battery Point range lights which are the ones
24 on the upper harbour which have never been completely
25 satisfactory. They are still not satisfactory on account
26 of the build-up behind these lights. They are not high
27 enough and there are a great many lights there.

28 No, I haven't got that. I would have to dig.

29 Q. To the best of your recollection when was
30 it dropped? Was it last year; the year before?



1 A. Be further back than that. Five or six
2 years ago. Be quite a while ago, sir.

3 Q. Do you have very many accidents in Sydney?

4 A. We have been very fortunate in this harbour
5 in that our accidents are practically all of the same type.

6 Q. What type?

7 A. That is the plate indent, or damage to boat
8 davits or lifeboats or side lights where the ship comes in
9 contact with our dock.

10 Q. Do you have any groundings?

11 A. In this District there has not been a
12 grounding for many years, no.

13 Q. Do you have any collisions?

14 A. No collisions, sir.

15 Q. I have Exhibit 390, a collision of a tug
16 with the Camelia on September 28th, 1962; would you know
17 anything about that?

18 A. Yes, that is correct. That is a case where
19 the pilot was held to be blameless, probably just by myself,
20 but the pilot was in the Camelia; the towboat ran into him.
21 We don't consider that the pilot was responsible for such
22 an act.

23 Q. Did you ever have occasion to make inquiries
24 into ship casualties here?

25 A. Nothing except of a minor nature.

26 Q. How do you proceed when you hold your
27 inquiries?

28 A. They have never been of a formal nature.
29 The inquiry consists of my questioning the pilot, the
30 master of the ship, and usually the officials of Dosco.



1 Q. Are the witnesses which are called before
2 you, or which appear before you, placed under oath?

3 A. No, sir. They have never been of such a
4 character as to require anything other than a superficial
5 report.

6 Q. Are they represented by counsel at such
7 times?

8 A. No. In these cases there is nothing at
9 stake, really. The pilot makes a report on a form which
10 is not supported by any oath or anything like that, which
11 is his own story of the accident, and at times I have
12 taken a report to the master of the ship and asked him if
13 he concurs. In every case it has been so, because they
14 have been of such a minor character it doesn't warrant
15 going any further.

16 COMMISSIONER SMITH: In these cases where you do
17 hold investigation is it at the request of the Department
18 in Ottawa or on your own volition?

19 THE WITNESS: Well, the Department have a regula-
20 tion stating that a casualty form will be made out for a
21 casualty, or any other unusual incident occurring during a
22 pilot's sojourn aboard the ship. In this harbour accidents
23 are practically restricted to striking against the dock,
24 in one way or another, and as the docks are privately owned
25 and the ships are on charter to Dosco, it has been our
26 habit here to make a report to the Pilotage Department in
27 Ottawa only when there are protests entered.

28 COMMISSIONER SMITH: Only when you are asked to
29 do so from Ottawa; is that right?

30 THE WITNESS: No, sir. It has been more or less



1 up to the Superintendent of Pilots here whether he
2 considers the matter worthy of note or not. I have gauged
3 my action on the talks with the shore staff at Dosco.

4 If the ship has the indent and is going to note
5 a protest for repairing the plate at a later date, we put
6 in a so-called pink form to Ottawa so they will know some-
7 thing about it, if they are asked.

8 In all these cases in Sydney Harbour, for the
9 last 13 years, they have been of a very minor nature.

10 Q. Now, sir, are you familiar with the election
11 procedures of the pilots to the Pilots' Committee? Do you
12 play any part in that election?

13 A. No, sir. I do not attend. That is their
14 annual meeting; they are elected at their annual meeting
15 and I have no interest.

16 Q. Do they report to you the names of the
17 people?

18 A. Yes, sir. They submit the minutes of their
19 meeting.

20 Q. To you?

21 A. To me.

22 Q. Of each and every meeting?

23 A. No, just their annual meeting, and I submit
24 that, in turn, to the Department of Pilotage - the Pilotage
25 Department in Ottawa.

26 Q. Now, are you able to tell the Commission
27 whether there is a trend in the size and type of ships
28 calling at Sydney?

29 A. Oh, yes, there is a definite trend in this
30 harbour as there is everywhere else, where bulk cargoes are



1 being carried in larger and larger ships and it makes it
2 more difficult here because the docking facilities at
3 Dosco were designed for ships of an entirely different
4 shape and size, and it creates great difficulty at times
5 in berthing the ships without damaging the installation -
6 either the ships or the installation.

7 Q. Now, are you able to tell the Commission
8 whether the majority of ships trading here trade for a
9 particular purpose? Come here for a particular purpose
10 or for a particular cargo?

11 A. Well, yes. This is merely a one-company
12 port. There are oil tankers and the odd ship goes up to
13 Sydney but practically all shipping, in which we are
14 interested, goes to Dosco and they are of, say, three
15 general types: the ore carriers, the coal carriers, and
16 ships to load steel.

17 COMMISSIONER SMITH: Do you have any bridge-aft
18 ships?

19 THE WITNESS: Yes.

20 COMMISSIONER SMITH: Quite large?

21 THE WITNESS: They are large, yes, sir.

22 COMMISSIONER SMITH: They come for coal or steel?

23 THE WITNESS: Well, they bring ore and American
24 coal, now.

25 COMMISSIONER SMITH: American coal?

26 THE WITNESS: Yes, sir. Dosco have been using
27 consistently larger amounts of American coal for coking
28 purposes.

29 COMMISSIONER SMITH: For making coke?

30 THE WITNESS: Yes, sir.



1 Q. Now, sir, would you prepare, for tomorrow
2 morning's hearing, a list showing the certificates held
3 by your pilots and the date on which it was granted?

4 THE CHAIRMAN: And the other list also we asked
5 about, the ships entering with or without pilots.

6 THE WITNESS: Yes.

7 MR. LANGLOIS: Would you have the age of the
8 pilots?

9 MR. JACQUES: It is already on file.

10 THE CHAIRMAN: It is on Exhibit 391.

11 MR. JACQUES: Thank you, sir. Your witness.

12 COMMISSIONER SMITH: If it pleases your lordship
13 I would like to ask the witness a few questions. There is
14 some mention made in the pilots' brief, and elsewhere,
15 about changing the formula with regard to the application
16 of the pilotage tariff on ships and the suggestion is made
17 that they use the Lloyd's original register rather than the
18 tonnage that is given by the ship's master to the pilot.

19 Have you any observation to make in that connec-
20 tion?

21 THE WITNESS: I believe they have set out a
22 couple of examples of rather large ships with very low net
23 tonnage, on which our pilotage dues are based. For
24 instance, there are several ships we see here which have
25 been reconstructed. Say they were built as tankers with
26 conventional deductions and later are re-designed to carry
27 bulk cargoes with very large deductions, thus making the
28 net tonnage a way out of line to the size of the ship. I
29 believe there is one that comes in here that is something
30 like 1,600 net tons and she carries around 12,000.



1 COMMISSIONER SMITH: It is your opinion that
2 something should be done to remedy that?

3 THE WITNESS: Yes. I don't know whether the
4 Lloyd's register system - their suggestion is so sound -
5 but length, breadth and depth of the ship - should be some-
6 thing on that line rather than gross tonnage with very
7 large deduction to create net tonnage, which is very inequi-
8 table.

9 COMMISSIONER SMITH: Well, Captain, have you any
10 suggestion to make as to how you could have improvements
11 here in this District, if improvements are necessary?

12 THE WITNESS: No. The shipping situation here
13 has changed considerably in the past few years. There
14 were a larger number of pilots here previously and at the
15 same time there were a larger number of ships to be
16 serviced. Today the number of ships is less but the
17 tonnage has increased. That means that the returns have
18 increased but the responsibility to pilots has generally
19 increased. The number of pilots to be required to service
20 the area should be gone into, I imagine.

21 COMMISSIONER SMITH: There is some information
22 put before us - which will come out later, I think - about
23 the rate, the pilotage tariff rate, compared with other
24 places, and complaining about it being rather high, and
25 then there is some other thing with regard to collecting
26 large sums of money from the ferry that operates here
27 without taking on pilots, but obliged to pay the going rate,
28 whatever it is; two-thirds of the dues, or whatever it is.

29 Have you any comments to make in connection with
30 that?



1 THE WITNESS: Of course, the Minister made those
2 regulations some years ago and whether they are still
3 applicable or not, I don't know.

4 COMMISSIONER SMITH: Perhaps it is not fair to
5 ask you to comment on that and I will ask you to skip it.
6 Thank you very much, Captain.

7 MR. JACQUES: My lord, I have another witness to
8 call from the pilot office. He is the accountant.

9 THE CHAIRMAN: There is cross-examination.

10 MR. JACQUES: Oh, yes. I just thought I should
11 advise the Commission the information available from the
12 pilot office is not all before the Commission.

13
14 CROSS-EXAMINATION BY MR. LANGLOIS:

15 MR. LANGLOIS: My lord, I am ready to proceed
16 with the cross-examination of this witness under the reser-
17 vation, however, that I would have the opportunity of
18 calling him back tomorrow, after I have had a chance of
19 going through the many exhibits which were filed this
20 morning and which I have not seen.

21 THE CHAIRMAN: That is reasonable.

22 MR. LANGLOIS: Thank you, my lord.

23 Q. Mr. Parker, you stated that, speaking of
24 these periods on duty of pilots, they were on duty
25 continuously. Do you mean they are on duty on a 24-hour
26 basis?

27 A. Yes, sir. They are on duty for 24 hours,
28 although they may not be operating a ship for 24 hours.
29 They pilot a ship when their turn comes during that 24
30 hours.



1 Q. Are they on duty at the station?

2 A. That term is, maybe, a little loose. As
3 the pilot himself is his own despatcher, he makes sure
4 that he is there and it's the custom of the men, particu-
5 larly the ones that live any ways distant, to stay there.

6 Some pilots prefer to stay right in that station
7 for their whole week and others, after they have completed
8 a turn on duty, they do not come back too quickly because
9 if they know the situation, they know they may not have
10 another turn for a day or two days or even three days, but
11 that doesn't prevent them from telephoning back to see how
12 things are going.

13 They are still responsible to despatch themselves
14 in the end.

15 Q. Generally speaking, do the pilots take their
16 meals on the station?

17 A. Some of them, but all of them at times.

18 Q. I understand that they are continuously on
19 duty for a period of a full week?

20 A. Yes, on turn.

21 Q. Night and day?

22 A. Yes, as required.

23 Q. Now, when you say the pilots take turns in
24 piloting ships, am I to understand, then, that the system
25 which prevails here, and in some other Districts, is that
26 once a pilot has taken a ship in, this ship is his own
27 ship and he is the same pilot who takes her out?

28 A. No, sir. When he completes a turn, what we
29 call a turn is a pilotage, and, say, he anchors a ship up
30 in the harbour; he leaves that ship and another pilot will



1 put her to the berth.

2 Q. Now, about E.T.A.'s - how much in advance
3 are E.T.A.'s given, generally speaking?

4 A. The Notice to Mariners mentioned three
5 hours. It must be three hours prior to arrival and any
6 changes to be forwarded. Sometimes it is not too satisfac-
7 tory, depending on individual masters.

8 Q. Are these E.T.A.'s accurate?

9 A. In some ships, not in all ships. Again,
10 you have the character or the inclination of the master.
11 Some of them are very conscientious about sending them and
12 some of them are not.

13 Q. Are there occasions when the pilot boats
14 will be despatched to meet a ship outside, and have to
15 wait, or even come back to the station because the ship is
16 not there?

17 A. That happens often enough.

18 Q. Often enough? How often here?

19 A. Oh, I would say, maybe, once or twice a
20 month in the busy season.

21 Q. The pilot boat had to come back? She went
22 out and had to come back to the station?

23 A. Yes. Some cases where they have gone from
24 the station here - six or seven hours. Often three or
25 four. They may be out there waiting around and a new
26 message comes - a new E.T.A. is sent. In some cases it
27 can't be helped. Other cases, just negligence.

28 Q. Under normal weather conditions how long
29 would the pilot boat take from the station to the seaward
30 limits of the pilotage District and come back to the



1 station?

2 A. There is a limit of the pilotage District.
3 In this one, like the other, it's very elastic. We
4 consider the Fairway buoy, the outer Fairway buoy, towards
5 the outer limits.

6 Q. How long would she take to go out to the
7 Fairway buoy and back?

8 A. An hour-and-a-half.

9 Q. An hour-and-a-half?

10 A. Hour-and-a-half to an hour and three-quar-
11 ters.

12 COMMISSIONER SMITH: Is that the round trip?

13 THE WITNESS: Yes, sir. There again, if it's
14 blowing a northeast wind and a swell, have to slow her
15 down to maybe three or four knots. Take a lot longer.

16 Q. What is the speed of this boat? Let's
17 start with No. 4.

18 A. It would be about 9.4 or 5.

19 Q. What about No. 3?

20 A. About $8\frac{1}{2}$.

21 Q. Is No. 3 also used for service outside, to
22 meet ships outside the Fairway buoy?

23 A. Not as a general rule, but sometimes when
24 the other boat is off for any reason she will fill in.
25 She isn't suitable for that, but we use her for outside.

26 Q. Who makes arrangements for towboats, when
27 towboats are required; tugs?

28 A. Those arrangements are made through Dosco
29 and the agents. Sometimes the agents are Dosco and some-
30 times they are the other people.



1 Q. How many tugboats are available here?

2 A. One towboat, sir.

3 Q. Owned by whom?

4 A. By Dosco; by one of their subsidiaries.

5 THE CHAIRMAN: While you are on that subject,
6 could you tell us what the strength of that tugboat is -
7 horsepower?

8 THE WITNESS: She is an ocean-going salvage tug,
9 1,200 horsepower; probably more.

10 MR. LANGLOIS: My instructions are 1,200 horse-
11 power.

12 THE CHAIRMAN: We will get that from the pilots.

13 Q. Pilot boat No. 4 - is that a wooden vessel?

14 A. Yes, she is a wooden vessel.

15 Q. Is she sheeted for ice?

3 16 A. She is protected against ice.

17 Q. What kind of sheeting has she got?

18 A. She has got iron plating forward of the
19 bows, and hardwood sheathing over her planking.

20 Q. You mean green heart?

21 A. No, it's birch. Birch or oak.

22 Q. She can withstand ice?

23 A. She can work in ice.

24 Q. I want to clarify this: when the Department
25 of Transport took over pilot boat No. 4 from the pilots,
26 was this boat actually transferred to the Department of
27 Transport? Was it sold to them?

28 A. No, sir. From the beginning, I believe,
29 that when a pilot - a group of pilots built a pilot boat
30 for their own purposes, paid for her, and owned her. At



1 the same time, they were compelled to register that
2 vessel in the name of Her Majesty the Queen and she was
3 sort of held in trust by the Department of Transport.

4 MR. JACQUES: Would you look through your own
5 files and see if you can find something in writing on that?
6 This I find most amazing.

7 THE WITNESS: I think that has always been so,
8 sir, in Halifax and all the other ports we have known.

9 MR. JACQUES: Would you look through your file
10 and see if you can find something on that?

11 THE WITNESS: Yes, I would. I don't think I
12 will find it; I think it will go back too far. Whenever
13 a vessel was owned by pilots, built and owned by pilots,
14 and used in pilotage service, her registry was taken over
15 in the name of Her Majesty the Queen. I think that was
16 right from the beginning.

17 Q. You mean to say that this pilot boat was
18 registered in the name of the Queen as owner of the 64
19 shares in that boat?

20 A. That is right.

21 Q. While these shares belonged to the pilots?

22 A. Yes, sir. I am pretty sure that is true.
23 I can bring her registry down after dinner and show it to
24 you.

25 MR. JACQUES: Yes, bring her registry down so we
26 can have a look.

27 THE WITNESS: I think it was just procedure all
28 through the years. It was always understood it was the
29 pilots' boat. Rather a strange one, I admit.

30 Q. When this boat was built by the pilots - we



1 are speaking of No. 4 - was there not a loan granted to the
2 pilots by the Department of Transport for building costs
3 of that ship?

4 A. I believe so. It was before my time. It
5 was my understanding that funds were advanced by the
6 Department on a repayment basis. In the case of this boat,
7 I think it was all repaid.

8 Q. Would your books indicate when this was
9 repaid?

10 A. It would be before my time, sir.

11 Q. You have no records of that in your office?

12 A. I imagine the records are there but they
13 would be kind of far back.

14 MR. JACQUES: The accountant of the office will
15 be available and will be able to make available information
16 on that subject.

17 THE WITNESS: At that time, sir, the pilotage
18 account was kept in Ottawa. That is to say, all funds
19 collected locally were forwarded to Ottawa and reimbursed
20 from Ottawa so they would just deduct annual increment
21 until this loan for the boat was paid off.

22 Q. Now, Mr. Parker, my instructions are that
23 the pilot boat No. 3 is a steel hull; is that correct?

24 A. That is correct, sir.

25 Q. About the other duties performed by the
26 pilot boat, you mentioned this morning that they were
27 used to assist the customs people, occasionally?

28 A. Yes. They have a boat of their own, sir,
29 but it isn't reasonable for them to have it out at certain
30 times of the year. It's only a small boat and to expedite



1 government business in the port, we have no objection to
2 taking on a customs officer off the ship, or a doctor off
3 the ship. We have no definite instructions on that.

PB/dpw 4 These are pilotage boats, and that is as far as it goes.

5 Q. Are these boats also used by other govern-
6 ment agencies?

7 A. No.

8 Q. Are these boats used sometimes by the
9 District Marine Agent to service buoys?

10 A. Oh, he might come once in a while - couple
11 of times a year. It would be more as a favour than any-
12 thing else. I don't think he could tell us to take him to
13 a buoy.

14 Q. Are these boats used as search and rescue
15 vessels?

16 A. They have been.

17 Q. Are these boats well-stored?

18 A. No, sir.

19 Q. No stores at all?

20 A. No, sir.

21 Q. Not even emergency rations?

22 A. No, sir. The Department withdrew their
23 emergency rations some time ago. However, it is well
24 understood by Search and Rescue that the endurance of
25 these boats is very limited. They are not certified to go
26 outside the harbour.

27 Q. What would happen to the pilots if the boat
28 had a breakdown and drifted at sea? There would be no
29 rations on board to feed the personnel on the boat and the
30 pilots on board?



1 A. There would be no rations on board except
2 what the boatmen would bring for their own use. They
3 have an allowance, a monthly allowance, to provide rations
4 for themselves.

5 Q. Are these shore-based employees? Are they
6 considered as being shore-based? Do they live on board?

7 A. They are not signed on articles. They are
8 given an allowance to provide their own living accommoda-
9 tion. We supply their linen, electric power and heat and
10 so on. They are ship employees in many ways, and in others
11 they are not.

12 Q. They are considered as shore-based
13 employees?

14 A. I don't know that you could put it exactly
15 that way.

16 Q. There are no ship articles?

17 A. No ship articles, no, sir. For one week
18 they live on board the ship. We supply linen, water,
19 fuel, light and so on.

20 Q. Now, going to another subject: is it your
21 knowledge that pilotage revenues are lost through ships not
22 being exempt from the payment of pilotage coming in and out
23 of Sydney not reported to you?

24 A. I beg your pardon, sir?

25 Q. Is it to your knowledge that some of the
26 pilotage revenues have been lost in the past through ships
27 which are not exempt from the payment coming in and out of
28 Sydney without reporting to you?

29 A. Yes, it is; on account of the physical
30 situation, it is rather difficult for many of them to do



1 that. It could be, but I think the amount would be very
2 small.

3 Q. What class of ship would that be?

4 A. American trawlers, foreign trawlers, small
5 craft which would pay pilotage of around \$20.

6 Q. Fishing trawlers?

7 A. Fishing trawlers, yes.

8 Q. Is Sydney used very much for fishing
9 trawlers during the hurricane season?

10 A. At times quite largely used.

11 Q. Would you have fishing trawlers from St.
12 Clair coming in and using Sydney?

13 A. Yes, but usually I would say we get most of
14 them. They come in for a purpose. They come in for
15 repairs.

16 Q. You wouldn't be able to estimate the loss
17 of revenue deriving from this?

18 A. I would think it would be very small in
19 comparison with our gross.

20 Q. What about ships reporting smaller tonnage
21 than the actual tonnage of the vessel - would you be losing
22 revenue in that respect?

23 A. That could be quite considerable if you had
24 quite a few of these ships. In the case of one ship it
25 isn't so bad. If you had a lot of ships coming here it
26 would defeat the schedule.

27 Q. Have you had here the experience which has
28 been obtained elsewhere that a ship will come in one day
29 with a certain tonnage and come in another day with a
30 different tonnage?



1 A. I believe there is such a ship here. I
2 know several of these ships under foreign flag registry
3 as they change over have been re-measured and there is a
4 vast difference in their measurement.

5 COMMISSIONER SMITH: Excuse me, Mr. Langlois.

6 MR. LANGLOIS: Yes, sir.

7 COMMISSIONER SMITH: There is one ship here,
8 the Golfo di Genova, with a gross of 7,802 and a reported
9 net tonnage of 1,906. These are the figures here. They
10 don't look realistic to me.

11 THE WITNESS: That is right.

12 COMMISSIONER SMITH: These are correct?

13 THE WITNESS: Those are the figures on the
14 ship's registry.

15 Q. The report is not correct - the tonnage
16 report is not correct?

17 A. Yes, that is correct.

18 Q. That was the actual tonnage of the ship?

19 A. It is the actual tonnage, the documented
20 tonnage.

21 COMMISSIONER SMITH: That is what they reported,
22 but you don't say that is the actual tonnage, the 1,906?
23 Is that your statement?

24 THE WITNESS: That is the tonnage. We know that
25 ships come in with 12 or 14 tons of cargo - it isn't
26 reasonable with 1,900 tons.

27 COMMISSIONER SMITH: I didn't think so.

28 Q. Is it not a fact the net tonnage of that
29 ship would be in the vicinity of 4,000 tons?

30 A. At least.



1 Q. Would you think that it would be much
2 easier for you to collect all the pilotage dues payable
3 if another basis were used to calculate tonnage such as,
4 for example, the length - overall length - the breadth of
5 the ship and her maximum draught?

6 A. Well, it would make very little difference
7 to us because we compute these tonnages - these dues on a
8 tonnage basis which is available in Lloyd's register of
9 shipping which we have in our office. That is what we use
10 as the basis for computing these fees. If they were
11 changed to another system where the same information is
12 available, that is the length, breadth and beam of a ship,
13 it would make very little difference.

14 Q. Would it not be possible for you to look at
15 a ship and know right away that the ship is not of the
16 size as reported to you, the wrong length of the ship
17 would be given?

18 A. I think we are getting a little bit away
19 from it. The thing is, the tonnage of the ship is what
20 our charges are based on and the net tonnage appears in
21 Lloyd's register and also other ships' documents. The
22 ships' documents are the final resource, or the final
23 authority, the ship's register. If the pilot thinks, as
24 does happen, that the ship's net tonnage appears to him to
25 be too small he checks with the master or the chief officer
26 of the ship and sees that is what the register of the ship
27 is at the present time. Although this has never been done
28 until recent times, attempts to fool around with tonnage
29 measurements; to doctor them, in other words. This is
30 being done. Once a ship goes off British registry or



1 other reliable country's registers, certain deductions are
2 made which are drastically altering the net tonnage of the
3 ship.

4 COMMISSIONER SMITH: The point is this: in this
5 Golfo di Genova of 7,802 gross the net tonnage shown
6 there is 1,906.

7 THE WITNESS: We didn't bring Lloyd's register
8 with us.

9 MR. JACQUES: Perhaps this information could be
10 checked. The pilot office has Lloyd's. Perhaps the
11 witness could check and give the Commission the informa-
12 tion.

13 COMMISSIONER SMITH: This ship, according to the
14 record, carried 11,000 tons of cargo.

15 THE WITNESS: Very unreasonable. It is merely
16 a device for dodging harbour dues and pilotage dues and it
17 condoned by some countries. However, there is nothing
18 too much ---

19 Q. That is why I was suggesting if you -
20 instead of using tonnage as a basis you used length and
21 breadth, would that make it easier for you to check?

22 A. It wouldn't make it any easier. It wouldn't
23 make it any more difficult. We could use another system
24 just as well.

25 Q. Couldn't you go on board and measure it, or
26 from the dock, from the wharf, if necessary?

27 A. Yes.

28 Q. While tonnage would involve quite a bit of
29 calculation if you wanted to check the total.

30 A. We can't go and check tonnage of a ship, no



1 matter how much we measure. The tonnage is done by recog-
2 nized experts and goes through many, many steps before it
3 is determined, what a ship's tonnage is. Because we come
4 along and say it isn't right ---

5 Q. I think you are getting me wrong. I am
6 not blaming you; it is a problem all over the country.
7 Owners are cheating on tonnage. I am asking you: would
8 there be another means of checking or taking another basis
9 on which to charge your pilotage fees which would make
10 your job easier in the collection of dues?

11 A. Well, our authority, as we go along, is
12 just Lloyd's register. We just pick out the net tonnage
13 as it appears there and this is our authority. If you
14 suggest changing that to some other system, whether length,
15 breadth, it would be perfectly all right. It wouldn't be
16 any more difficult provided you had a suitable scale to
17 work with.

18 Q. Correct me if I am wrong; you said you
19 checked with Lloyd's and with the ship's papers, but the
20 ship's papers or documents were the final authority on
21 which you went.

22 A. I think it says somewhere the net tonnage
23 will be as appears on the Lloyd's register. If it is a
24 foreign ship it is out of your hands. You are going
25 against another state. If they have a national certificate
26 stating their tonnage is only 1,902 and Lloyd's shows
27 4,000 they say, "We are not interested in Lloyd's. This
28 is what our country says and this is what we are going to
29 pay."

30 Q. You would collect on that basis?



1 A. You could take it up with the ambassador,
2 at the ambassadorial level, or state level. I don't know
3 how far you would get.

4 Q. As a rule you go by the ship's documents;
5 is that correct?

6 A. As a rule. As a rule we go by Lloyd's.
7 Sometimes a pilot may ask when they are on board and we
8 negotiate - no system is exact. For instance, American
9 men-of-war, they don't have net tonnages; they only have
10 gross. When an American ship comes in, whether a destroyer
11 or aircraft or submarine, and wants a pilot, we are at
12 difficulty to know what to charge. We have to charge
13 gross tonnage which is all it shows. She hasn't got a net
14 tonnage.

15 Q. Now, Mr. Parker, you have filed annual
16 reports for annual revenue. Would you tell the Commission
17 what is your fiscal year? Is the calendar year?

18 A. No, we have gone on to the calendar year,
19 sir.

20 Q. Is the calendar year your fiscal year?

21 A. Yes, sir.

22 Q. Changing the subject again, because I want
23 to study these before I cross-examine you on that, if
24 required. What are your dealings with the Pilots'
25 Committee?

26 A. On all matters connected with pilotage.

27 Q. How are you getting along with the Pilots'
28 Committee?

29 A. Our relations are very good. I can call
30 them nothing else but very good. I have been here nearly



1 13 years now. I see these pilots daily and when there is
2 any matter we discuss it; we have no trouble.

3 Q. Do you have occasion to deal with the indi-
4 vidual pilot?

5 A. Very, very rarely. From custom now, if I
6 can't find a committee member right away I speak to the
7 next fellow. It is understood that the boat has to go or
8 the doctor has to be found or something and a committee
9 member doesn't happen to be handy I don't bother. I speak
10 to the next pilot and ask him to do the thing. There is
11 no trouble like that.

12 Q. Have you ever received instructions from
13 your superiors in Ottawa to bypass the Pilots' Committee?

14 A. No, sir.

15 Q. Now, under this Section 24 of the bylaws of
16 your District, D.C. 1961 - 1284, subsection 1 of Section
17 24 provides 21 calendar days of leave for one completed
18 year of service. Can you tell the Commission if this
19 annual leave is granted every year or has been granted
20 every year to the Sydney pilots?

21 A. Time off the rotation list has been granted
22 during the winter months.

23 Q. During the winter months for periods of 21
24 days?

25 A. Yes, sir. I might say that comes about by
26 my posting a roster in the pilot station showing, for prac-
27 tically the whole winter, who is going to be on during the
28 winter and, of course, when their names are not there they
29 are off duty.

30 Q. If a name is not on the roster does that



1 mean the man is not on call or on standby if his services
2 are required?

3 A. I believe my predecessor said when he
4 passed a man's licence, he said, "For the rest of your
5 life you are on call," but in practice it is not so here.
6 If he is not on the roster he is off and if there is an
7 emergency, which very occasionally has turned up, the
8 first pilot on duty - nobody makes any objection to coming
9 right down and doing what is required.

10 Q. Under subsection 2 of the same section
11 temporary leave of absence may be granted in certain condi-
12 tions. Would you tell the Commission whether or not this
13 temporary leave has been granted in the past, and how
14 often?

15 A. I don't think I have ever had to do that.
16 They have never applied for time off like that. If they
17 ask for somebody else to do their time, that is all right,
18 if they are to be off if somebody takes their turn. It is
19 all a mutual agreement.

20 Q. What about sick leave under subsection 3 of
21 Section 24?

22 A. That is quite all right.

23 Q. How often would you grant sick leave?

24 A. As you note, you will find he has to get a
25 certificate if it is extensive.

26 Q. The sick leave under subsection 3, 4, 5 and
27 6 - when a pilot has such leave, does he get the same
28 share of the revenue?

29 A. That is right, within the limits of the
30 article.



1 Q. So under subsection 6, the pilot can be on
2 sick leave for nine months and get his share of the revenue?

3 A. Right, sir; correct.

4 MR. LANGLOIS: That is all, thank you, subject
5 to the reservations I have that I may call him later on.

6 THE CHAIRMAN: Just a few questions. When a
7 ship does not take a pilot and he should pay dues, of
8 course you collect these dues. Do you collect also the
9 boat fees?

10 THE WITNESS: No, sir, it is only when the boat
11 is used.

12 THE CHAIRMAN: I don't know whether you will
13 have this later on, but do you think something could be
14 prepared so the Commission can be informed as to what
15 would be the actual work done by the pilots in the busiest
16 week?

17 THE WITNESS: Yes, my lord.

18 MR. JACQUES: That is being prepared.

19 MR. LANGLOIS: In this respect I have myself
20 prepared forms of pilotage records which my principals
21 are presently filling In order to get a good idea of their
22 workload during the busiest period we would have to carry
23 this on until November, or even December. I wonder, my
24 lord, if these could be filed at a later stage?

25 THE CHAIRMAN: That will be all right.

26 MR. JACQUES: At the Ottawa hearing you will
27 have the opportunity to file any further statistics on the
28 understanding that someone may be available to give evi-
29 dence on them should it be required.

30 MR. LANGLOIS: For example: here I have four



1 pilots filling these forms every day. To have four pilots
2 come to Ottawa is expensive. Would it be sufficient if
3 there was an affidavit attached to these?

4 MR. JACQUES: It could very well be sufficient
5 if the statistics are supported by an affidavit. Don't
6 go to the trouble till such time as the statistics are
7 filed and we will see what is required.

8 THE CHAIRMAN: You could ask a little before what
9 will be required at the time and we will let you know in
10 due course.

11

12 RE-DIRECT EXAMINATION BY MR. JACQUES:

13 Q. Are the pilot boats used for taking the
14 pilot aboard ship at anchor?

15 A. Yes, sir.

16 Q. Do you make a charge for that particular
17 job?

18 A. No. There is a bylaw that says that a
19 charge shall be made on a ship inbound if she has used a
20 pilot and a ship outbound if she uses a pilot.

21 Q. If she is used to board a ship at anchor
22 you don't make any charge?

23 A. No, sir.

24 Q. Is the boat used also to transport pilots
25 back and forth within the harbour, say, for a movage?

26 A. Yes, sir.

27 Q. She is?

28 A. Yes, sir. Our small boat takes the pilot
29 from the station up harbour to a ship at anchor or to the
30 berths up there and puts them aboard.



1 Q. There is no charge made in that respect?

2 A. No charge.

3 Q. You gave evidence on the length of time
4 that the boat would take to go to sea station. Where did
5 you get that information? You said about an hour-and-a-
6 half.

7 A. That is just a rough approximation.

8 Q. A rough approximation.

9 A. Some days to go from the pilot station to
10 Fairway buoy will take two hours, just to get out there.

11 Q. What about tug arrangements; do you have
12 personal knowledge of these arrangements?

13 A. No.

14 Q. If a pilot boat were to break down how far
15 out do you think she would drift before somebody would get
16 to her?

17 A. She has a radio telephone, sir.

18 MR. LANGLOIS: If she can use it.

19 Q. Would this radio telephone work on
20 batteries?

21 A. On ship's power.

22 Q. Ship's power. So if the boat had a break-
23 down the radio telephone would not be available?

24 A. It's a little bit complicated but it could
25 go out of order quite easily, and often does.

26 Q. Pardon?

27 A. It could go out of order quite easily and
28 often does.

29 Q. Not particularly the telephone, but if you
30 had a major breakdown on the pilot boat - say your generator



1 | blew up - would you be able to use your radio telephone?

2 | A. No. You have to have a voltage of 32
3 | which is converted to 110 A.C.

4 | Q. Do you have an emergency generator on your
5 | boat?

6 | A. It is not called an emergency generator.
7 | There are two generators. There is a generator which runs
8 | off the main engine when it is operating that charges the
9 | batteries. Under some conditions this amount of current
10 | is not sufficient. There is an additional motor and
11 | generator to provide current.

12 | Q. This second generator - is that powered by
13 | diesel?

14 | A. Yes.

15 | Q. Independent from the main engine?

16 | A. That is right.

17 | MR. LANGLOIS: Are these generators in the engine
18 | room on the vessel?

19 | THE WITNESS: Yes.

20 | MR. LANGLOIS: If the engine room is flooded ---

21 | THE WITNESS: No, you couldn't use it.

22 | MR. JACQUES: The only alternative is to revert
23 | back to sail.

24 | THE CHAIRMAN: If the engine room is flooded you
25 | wouldn't need sail. There would be no ship left.

26 | Q. Are you able to say if the habit of pilots
27 | on duty at the station is to stay there all the time or do
28 | they go there just when they are about to be called?

29 | A. There is no rule. Some pilots do and some
30 | don't.



1 Q. You don't check that?

2 A. No. I am not interested in that, particu-
3 larly. As long as the bylaws are kept, as long as the
4 man is there, it doesn't matter.

5 THE CHAIRMAN: These are arrangements they make
6 themselves so they are available there and it is their
7 duty to despatch themselves?

8 THE WITNESS: If a pilot wants to go fishing and
9 gets another pilot to do his turn that is all right.

10 MR. JACQUES: Thank you very much.

11 THE CHAIRMAN: As long as the job is done, that
12 is all?

13 THE WITNESS: It is understood under the system
14 which operates here that it is their responsibility to
15 make it properly.

16 THE CHAIRMAN: And they do it well?

17 THE WITNESS: Otherwise I would have to have a
18 cast-iron list system which probably wouldn't work as well
19 with either the pilots or myself.

20 THE CHAIRMAN: We will adjourn now to 2.30.

21
22 --- Whereupon the hearing adjourned at 1:00 p.m. until
23 2.30 p.m.

24

25

26

27

28

29

30



1

2 ----Upon resuming at 2:30 p.m.

3

4 RE-DIRECT EXAMINATION BY MR. JACQUES:

5

6 Q. Sir, have you prepared a statement showing
7 for each pilot the class of certificate which he holds,
8 together with its number and the year in which it was
9 granted?

10 A. Yes sir. That is the list (indicating).

11 Q. Would you file this list as Exhibit 395.

12

13 ---EXHIBIT No. 395: List showing class of
14 certificate, number and
year granted.

15

16 MR. JACQUES: My lord, this morning, the owner-
17 ship of Canada Pilot Number 4 was discussed and I have
18 before me the Certificate of Registry which shows that
19 the Canada Pilot Number 4 was formerly called the Highlander

20 2. Was registered in Sydney in 1943, this being the
21 first registry. The certificate number was 175061

22 and this certificate shows that the registered owner of
23 that vessel was His Majesty the King represented by the
24 Minister of Transport as Pilotage Authority for the
25 Pilotage District of Sydney, Nova Scotia, for the time
26 being Ottawa, Ontario owner of 64 shares.

27 Q. Now sir have you looked up the particulars
28 of the Golfo di Genova?

29 MR. LANGLOIS: At this point, before we go to
30 another subject, could I ask through you my lord, if the



1 Commission Counsel would look at the file of the Department
2 on this vessel in order to find out how His Majesty
3 could sign a Declaration of Ownership when His Majesty
4 was not in fact the owner of these 64 shares?

5 MR. JACQUES: We will provide you the answer
6 to this question tomorrow morning after the local super-
7 visor has run through his old files. His 1943 files.

8 MR. LANGLOIS: Probably the registrar of
9 shipping is here.

10 MR. JACQUES: I believe the information you want
11 will be available.

12 THE WITNESS: I think that was mandatory. It
13 is mandatory to do that with pilot vessels. I think
14 that has happened in other districts where they built
15 their own pilot vessels and I am sure in Halifax and
16 St. John they are the same way. When they provide the
17 funds to build their own vessels, the ownership of this
18 vessel is vested in the Pilotage Authority right from
19 the day they were registered.

20 Q. They were built.

21 A. Where it comes from, I don't know. It
22 must be through the custom. It is beyond our files.

23 MR. LANGLOIS: Is there a registrar of shipping
24 here?

25 THE WITNESS: Yes, one in Sydney. He is the man
26 who signed this register.

27 COMMISSIONER SMITH: I certainly would be in-
28 terested to know how the shipping reported net registered
29 tonnage of 1906 and actually carried a cargo of 11,000
30 tons.



1 MR. JACQUES: Yes. The witness will read from
2 Lloyds.

3 THE WITNESS: This is the latest registrar.

4 Q. Lloyds Registrar of Shipping, 1962/63,
5 the particulars especially of Golfo di Genova.

6 A. This ship is in a group here with several
7 other ships of approximately the same size, within a foot
8 or so of the same size. The Golfo di Genova here is
9 listed as being 462 feet 7 inches by 62 feet 2 inches by
10 26 feet 5-1/2 inches. Her gross tonnage is 7,635.
11 Her net tonnage is given as 1,846.

12 COMMISSIONER SMITH: She is going down.

13 THE WITNESS: Now if I may give another ship
14 either ahead or behind this one, owned by the same company.
15 I will take Golfo di Castellamaire. Her length is 463
16 feet 9 inches, 60 feet 2 inch beam, the depth of hold,
17 draught 26,11,1-3/4. This ship is a foot longer, one
18 foot and 2 inches longer. She has 2 feet less beam
19 than the Genova and she draws a foot, approximately 7
20 inches more. Now her gross tonnage is given as 7,082
21 tons. Her net tonnage is given as 4,104. Would you like
22 another one sir? There are two more here that are just
23 exactly the same. Their gross tonnage is approximately
24 7,000, or a bit, and their net tonnage is 4,000 and a bit.
25 There are about five ships. here.

26 In other words, this single ship has something
27 like 3,000, over 2,000 less net tons and the simple
28 explanation of this is that these vessels will carry,
29 like the Golfo di Genova, which is a converted tanker,
30 thirteen or fourteen thousand tons of iron ore but she



1 would not carry thirteen or fourteen thousand tons of
2 any other class of cargo because her side tanks have
3 been deducted as ballast tanks and sealed off.

4 COMMISSIONER SMITH: Has she sheltered decks?

5 THE WITNESS: She might have, might or might
6 not sir. I don't think it would enter into it too much,
7 into the comparative calculation.

8 COMMISSIONER SMITH: Not comparative, but it
9 would reduce the tonnage if she installed sheltered
10 decks where areas were not enclosed before.

11 THE WITNESS: Yes. I am not sure on that one
12 sir. The main point here being that this large ship has
13 been able to reduce her net tonnage to a point where she
14 goes for about half the amount of the other ships of her
15 same dimensions, outside dimensions and draught. I
16 might also mention another one that comes in here once
17 in a while, one of the Irving tow boats which is
18 approximately the size of the Dosco tow boats and her
19 net tonnage officially is given as 8 tons and she is
20 150 feet long.

21 In other words, she has been completely
22 deducted all the way through.

23 COMMISSIONER SMITH: Why don't they wash her
24 out altogether?

25 THE WITNESS: I don't know.

26 MR. JACQUES: You wouldn't have a ship then.

27 MR. LANGLOIS: My lord, I think that this
28 shows that the net tonnage basis is a wrong one.

29 Q. As regardsore carriers, I would like to ask
30 the nautical adviser of the Commission to supply the



Commissioners with sketches of how an ore carrier is built and how these ballast tanks come into the picture. It may illustrate the reason behind this substantial reduction in net tonnage. Have you prepared a statement on the number of assignments done by the busiest pilot during the busiest month of last year, and for the busiest pilot during the least busiest month of the year excluding the months of December, January, February, March?

A. Yes. The busiest month in 1962 was in September when the most turns done by a pilot were 180 turns and the busiest pilot did 18 turns.

Q. Would you explain the expression "turns"?

A. Let us say he performed the pilotage duty, either taking a ship from the entrance to a berth, or anchor, or carried out a movage in the port or took the ship from berth to sea.

Q. And your statement shows that the busiest month last year was September?

A. September, yes.

Q. In the light of your experience would September always be the busiest month of the year?

A. No, not necessarily. Just happened that way. The activity here fluctuates considerably according to the coal companies demands.

Q. And what was the least busy month of 1962?

A. Well, January, February, March and April we will have to discount because they were winter months and it was an extremely bad winter so apart from that, it was December when there were 118 turns and the



1 most turns by the busiest pilot was 12.

2 Q. Twelve turns?

3 A. Yes. There were turns in the winter
4 months but you would have to go into that quite carefully.

5 Q. I should like to file as Exhibit No. 396,
6 my lord, the statement showing the number of turns for the
7 months of May to December inclusive, 1962 and also the
8 most turns done by the busiest pilot in the busiest month
9 and the least busy month.

10

11 ---EXHIBIT No. 396: Statement showing turns
12 during the busiest month
13 and least busy month
14 of 1962.

15

16 THE CHAIRMAN: While we are on the subject,
17 there is just one question. In those turns do you
18 include cases where a ship were paid pilotage dues but
19 would not take the pilot?

20

21 THE WITNESS: No, we don't include that sir.

22

23 THE CHAIRMAN: Those are actual turns?

24

25 THE WITNESS: Those are actual physical turns,
26 yes.

27

28 Q. Now sir in regards to your evidence this
29 morning, you said that it happens that pilots exchange
30 turns sometimes. Is that correct?

31

32 A. Occasionally sir.

33

34 Q. How accurate then would the figures shown
35 on Exhibit 396 be in the light of that evidence?

36

37 A. On average it would be about exact.

38

39 Q. Thank you sir. Now sir one last question:

40



1 Have you ever had any stoppage of work by the pilots
2 here in Sydney?

3 A. No sir.

4 Q. Thank you.

5
6 CROSS- EXAMINATION BY MR. LANGLOIS:

7
8 Q. Just one question. Will you tell the
9 Commission your appreciation of the qualifications and
10 service performed by the Sydney pilots?

11 A. May I have that again?

12 Q. I am asking you to give your appreciation
13 of the qualifications, experience and the service performed
14 by the Sydney pilots?

15 A. I wasn't here when these pilots were
16 first taken on, and conditions have changed since then
17 and I just don't know how their early training affected
18 them, but it seems to me that today these ships we
19 have had the last few years are steadily getting larger
20 in the way of these Dosco docks, and the method of
21 judgment of these men has been a great factor in keeping
22 accidents down to a bare minimum.

23 Q. Am I to understand that as meaning you
24 are satisfied with their efficiency and qualifications?

25 A. Well satisfied, yes sir, with these men.

26
27 CROSS-EXAMINATION BY MR. MacNEIL . Counsel for Dominion
28 Steel & Coal Corporation
Limited.

29 Q. Just one question Captain: In your
30 opinion what is the minimum number of the pilots that



1 could serve this port efficiently?

2 A. Not less than ten.

3 Q. Thank you.

4 MR. JACQUES: Now I would like to call on the
5 Dominion Steel & Coal Corporation Limited.

6 MR. MacNEIL : I am not just sure what procedure
7 is followed. As I understand it, the brief of the
8 Dominion Steel & Coal Corporation has been submitted and
9 circulated, I think, largely to all other parties interested
10 in the inquiry. I am not sure about that but I believe
11 that is so.

12 THE CHAIRMAN: I don't think it is circulated.
13 It is sent to the Commission here.

14 MR. LANGLOIS: I have a copy my lord.

15 THE CHAIRMAN: Of course you should file it
16 right away.

17

18 ---EXHIBIT No. 397: Brief of the Dominion
19 Steel & Coal Corporation
20 Limited.

21

22 MR. MacNEIL : I take it that I should probably
23 call the Traffic Manager of the Dominion Steel & Coal
24 Corporation to be sworn and to , I presume, verify
25 generally the statement contained in the brief and to
26 be ready to answer any other questions, or make any other
27 comments that might be helpful to the Commission.

28 THE CHAIRMAN: All right.

29 THE SECRETARY: Would you give your full name
30 and occupation please?

THE WITNESS: John Campbell, Traffic Manager,



1 Dominion Steel & Coal Corporation, Sydney.

2

3 JOHN CAMPBELL, sworn

4

5 DIRECT EXAMINATION BY MR. MacNEIL :

6

7 Q. Mr. Campbell, your position with Dominion
8 Steel & Coal Corporation is as Traffic Manager?

9 A. Division Traffic and Transportation Manager.

10 Q. How long have you been connected with that
11 department?

12 A. For a little over forty years.

13 Q. And in your present position for the past --?

14 A. Three years.

15 Q. Now Mr. Campbell you have been over this
16 brief, and I suppose you assisted in its preparation?

17 A. That is so, yes.

18 Q. Now about the statements of facts contained
19 in this brief, are they substantially true?

20 A. They are, yes.

21 Q. Now are there any amplifications you wish
22 to make of the statement contained in the brief, particularly
23 in view of the evidence already given? For instance, I
24 just asked Captain Parker what he considered the minimum
25 number of pilots required in this port.

26 A. Well I think it's a bit on the high side,
27 myself. Probably eight would serve the port just as well.

28 Q. Now is there any other evidence that Captain
29 Parker gave, or anything that preceded him, that you wish
30 to comment on?



1 A. I didn't hear all the evidence that Captain
2 Parker gave. I was away for part of the time but there
3 is nothing more I can say about what I heard.

4 Q. There is no other part of the balance of
5 the evidence on which you wish to comment?

6 A. No, not from what I heard, no.

7 Q. Are there any of the matters dealt with
8 in your brief that you wish to comment on further?

9 A. No. Just wanted to point out that we
10 have no desire to reduce the earnings of the pilots, or
11 affect their security in any way, or breach their working
12 hours but we do feel that the rates, as we state in our
13 brief, the rates should be more in line with the rates
14 at Halifax.

15 Q. You have made a comparison with the rates
16 in Halifax at the top of page 2 of the brief. Is that the
17 only point you wish to make?

18 A. That is the only thing we have to say.

19 COMMISSIONER SMITH: I would like to inquire
20 about the last couple of sentences in paragraph 2, page 1,
21 the movement of coal by rail 1961 compared to 1963
22 estimated will be between three and four times as much
23 estimated tonnage moved by rail, 1963 than 1961. What I
24 want to ask is: Does this coal move under a subvention
25 by the Government?

26 A. It does, yes.

27 COMMISSIONER SMITH: If so, what is the sub-
28 vention per ton?

29 THE WITNESS: That would vary, of course,
30 according to the destination. I cannot tell you. This



1 coal moves to various destinations, Hull, Quebec, Ottawa,
2 Hawkesbury.

3 COMMISSIONER SMITH: Let's take Ottawa?

4 THE WITNESS: Offhand I would have to get that
5 figure for you. I haven't got it.

6 COMMISSIONER SMITH: That is all I have to
7 ask.

8
9 CROSS-EXAMINATION BY MR. JACQUES:

10
11 Q. In paragraph 2 of your brief you state
12 that increasing costs have brought a distinct change
13 in Dosco shipping pattern in coal. Do you ship any other
14 product from here than coal?

15 A. Oh yes, we ship steel, steel products.

16 Q. And what would be the destination of these
17 shipments of steel?

18 A. We ship to India, Mexico, and the United
19 Kingdom. And small lots to South America sometimes.

20 Q. And are your products shipped on Canadian
21 ships or foreign flags?

22 A. Foreign flag ships mostly, yes.

23 Q. Didn't Dosco own ships some years ago?

24 A. Well we still own three ships. The shipping
25 company owns three ships. We have those in the coal
26 trade and in the Wabana ore trade.

27 Q. What would be the destination of your
28 shipments of coal?

29 A. Through the St. Lawrence? To central
30 Canada.



1 Q. By ship, not by railroad.

2 A. Quebec, Montreal, Three Rivers, Chicoutimi
3 and Port Arthur and points in Ontario, mostly now Toronto,
4 Ontario.

5 Q. That would be shipped by lake boats?

6 A. Yes.

7 THE CHAIRMAN: By company owned ships or
8 charter?

9 THE WITNESS: Some of the coal to Montreal,
10 Quebec points would go in our own ships and to Toronto
11 would go in trip charter ships.

12 THE CHAIRMAN: They are sea-going ships?

13 THE WITNESS: Yes, they are self-unloaders.

14 COMMISSIONER SMITH: You ship anything west of
15 Toronto? Is Toronto the limit?

16 THE WITNESS: Toronto is the limit so far.

17 COMMISSIONER SMITH: They won't let you go any
18 further?

19 THE WITNESS: I don't know. We hope to some
20 day.

21 Q. Would these ships be under the Canadian
22 flag?

23 THE CHAIRMAN: Which one?

24 A. The self-unloaders I believe are under
25 Canadian flags and our own two ships, our own time charter
26 ships are under British flag.

27 Q. The table which appears at the top of
28 page 2 of your brief, would you tell us whether this
29 has been based on actual ships?

30 A. Yes, these are the ships that we had in our



1 trade last year, the time charter.

2 Q. They are actual ships?

3 A. Time charter ships that we had last year
4 in our trade.

5 Q. You stated in your evidence-in-chief that
6 this port would be operated safely with eight pilots.
7 Is that correct?

8 A. I feel it should be. After all, as I
9 understand it, the volume of tonnage is no greater here
10 than it is in Saint John, New Brunswick. There are only
11 nine up there.

12 Q. And that is the reason behind your state-
13 ment, or have you made any study?

14 A. The men work one week off and one week
15 on. After all, if they had eight men -- as they do in
16 Halifax. I understand they work there on dispatching
17 basis. Men who are home are called out as they are
18 required. Could probably be done here.

19 Q. I would like to know precisely what are
20 the reasons for your statement. Have you made any survey
21 of that to say that eight pilots are sufficient?

22 A. No, we haven't made any survey, no.
23 It is our feeling that eight could service the port.

24 Q. Thank you, sir. What would be the per-
25 centage of your production shipped by ship?

26 A. You are talking now of coal shipments?

27 Q. Coal shipments or ore shipments.

28 A. The ore shipments are inward shipments.
29 That trawler comes in from Regina and Wabana.

30 Q. That is by ship?



1 A. That comes in. For this year we don't
2 expect to ship more than 1,160,000 tons by water.

3 Q. That includes steel?

4 A. That just includes coal.

5 Q. Do you import raw ore?

6 A. We import oil from Brazil and we take in
7 ore from Wabana, Newfoundland and lime from Port aux
8 Basques, Newfoundland.

9 Q. It is processed?

10 A. It goes into the manufactured steel.

11 Q. It is shipped out again?

12 A. Steel.

13 Q. These shipments of steel, would they be
14 by ship?

15 A. Pardon?

16 Q. Your shipments of steel, would they go by
17 ship?

18 A. Some of it would, yes. As I said, we
19 ship to India, Mexico and the United Kingdom and some
20 points in Canada by water.

21 Q. What would be the percentage of your pro-
22 duction of steel shipped by ship?

23 A. Well, that would vary year to year.

24 Q. Say last year.

25 A. I couldn't tell you offhand what that
26 figure is. I haven't got it. I would have to get it for
27 you.

28 MR. JACQUES: Thank you.

29 THE CHAIRMAN: Shipments of steel by boat,
30 would that be part cargo or full cargo?



1 THE WITNESS: Usually full cargo, sir, by tramp
2 steamers.

3
4 CROSS-EXAMINATION BY MR. LANGLOIS:

5
6 Q. Mr. Campbell, since your brief is not
7 signed, can you tell me who takes the responsibility for
8 this brief?

9 A. Just exactly what do you mean?

10 Q. The brief is not signed. There is no
11 signature. Who drafted it or whose responsible for it?

12 A. I was a party to the drafting of the brief,
13 yes.

14 Q. Now, on page 1, paragraph 2 of your
15 brief, you speak of shipments of coal which have been
16 diverted to rail movements to points in central Canada.
17 Would you mind telling me to whom this coal was consigned?

18
19 A. That would be coal consigned to the various
20 customers in the Province of Quebec and Ontario.

21 Q. Wouldn't this coal be for the good part
22 coal sold to the Canadian National Railway?

23 A. No, no. Canadian National Railway
24 takes very little of our coal now.

25 Q. Would some of that coal be included?

26 A. No, none of it.

27 Q. None of it?

28 A. To the best of my knowledge none of that
29 tonnage includes the coal to the C.N.R.

30 Q. Would you mind telling us on what you base



1 your estimate of the tonnage that would be diverted to
2 rail in 1963?

3 A. Well, we have the forecast of those sales
4 figures for that year.

5 Q. You know in advance by what means of
6 transportation this tonnage will be carried?

7 A. We know it is cheaper to ship it by rail
8 than by water.

9 Q. Wouldn't the reason for it being cheaper
10 to ship by rail be a result of the Maritimes Freight
11 Assistance Act?

12 A. That has a bearing on it, yes, but we also
13 get assistance on shipments of coal.

14 Q. You get, the assistance is greater when the
15 coal is shipped by rail?

16 A. Well, depending on the point the coal goes
17 to, the destination of the coal, yes.

18 Q. The benefits derived from the Maritimes
19 Freight Assistance Act is a definite factor in the
20 diversion to rail?

21 A. That factor was here a number of years ago
22 too.

23 Q. Was it not increased, the benefit increased
24 in recent years?

25 A. Yes, there was some increase made in 1960.

26 Q. What was the increase in the assistance in
27 say the last five years?

28 A. I haven't got those figures. I don't know
29 exactly.

30 Q. If my memory serves me well, wasn't 20 per



1 cent the first assistance which was provided under this
2 Maritimes Freight Assistance Act?

3 A. Twenty per cent applied to all points,
4 yes, and then -- that is right, in 1927 there was a re-
5 duction of 20 per cent.

6 Q. And this was increased by how much, this
7 original assistance?

8 A. It was increased to 30 per cent at points
9 west of Diamond.

10 MR. LANGLOIS: My lord, this means that 30 per
11 cent of the rail freight is paid by the Government.

12 THE CHAIRMAN: It is a subsidy.

13 Q. You mentioned a while ago that in your
14 estimation eight pilots would be sufficient to give
15 efficient service to this port. Do I understand you
16 correctly when you said that you based this figure on the
17 number of pilots in Saint John, New Brunswick.

18 A. I understand that they have nine on the list
19 in Saint John and eighteen on the list in Halifax and the
20 tonnage of those ports is much greater than in Sydney.

21 Q. Do you know, sir, that the Port of Saint
22 John is a tidal port and therefore pilots are required
23 to pilot ships in and out only at certain times of the
24 day?

25 A. No, I didn't know that.

26 Q. You didn't know that. Here ships are being
27 handled on a twenty-four-hour basis?

28 A. Oh yes, but not in any great volume. The
29 ships coming in here at any one time, the ships that come
30 in every day are not very great.



1 Q. Just the same, Mr. Campbell, since this
2 port is open day and night on a twenty-four-hour basis,
3 is it not a fact that pilots have to be on stand-by duty
4 all the time?

5 A. Yes.

6 Q. Continuously?

7 A. I understand that.

8 Q. Now, in paragraph 5 on page 2 of your brief
9 mention is made of the \$20.00 charge for the pilot boat
10 services, that is both in and out.

11 A. That is right, \$10.00 out, \$10.00 in.

12 Q. On the same page in paragraph 4, the last
13 sentence, mention is made of the increase in the gross
14 income of pilots over the same period. Will you be pre-
15 pared to say that the only increase in the port charges
16 have been increase in pilotage income?

17 A. Not by any means, no.

18 Q. Is it not a factor that during the same
19 period that the tug charges were also increased?

20 A. The tug charges were increased, yes.

21 Q. By how much?

22 A. Since 1957 they have increased 25 per cent.

23 Q. Twenty-five per cent?

24 A. Twenty-five per cent.

25 Q. I have here a list of the tug charges
26 issued by your company. I understand your company is the
27 owner of the sole tug available in this port?

28 A. Yes.

29 Q. Is it correct the charge for docking or un-
30 docking, the charge is \$240.00?



1 A. That is right, yes.

2 THE CHAIRMAN: Is that the complete charge of
3 docking and undocking?

4 MR. LANGLOIS: One or the other, \$480.00 for
5 both docking and undocking.

6 THE WITNESS: I might point out that our ships,
7 they only take a tug for docking. They don't take a tug
8 for undocking. The ship only pays \$240.00.

9 Q. Do you know how these charges compare with
10 the Port of Saint John, how this compares to the tug charges
11 in the Port of Saint John, New Brunswick?

12 A. No, I don't.

13 Q. If I suggest they are about double the
14 charges in Saint John, New Brunswick, would that be
15 correct?

16 A. Possibly.

17 Q. Will you have a look at this schedule of
18 dock charges and tell me if the rates marked in pencil
19 are the existing rates for tug charges in this port at
20 this time?

21 A. Well, they are the existing rates, these
22 rates have been increased by 25 per cent.

23 THE CHAIRMAN: The printed rates have been in-
24 creased by 25 per cent?

25 THE WITNESS: Yes.

26 MR. LANGLOIS: I have marked in the margin the
27 new rates. I would like to file this as an exhibit.

28 THE WITNESS: There is a later circular than
29 that out -- no.

30 MR. LANGLOIS: Effective April the 10th, 1962.



1 That will be Exhibit ---?

2 THE SECRETARY: 398.

3
4 ---EXHIBIT No. 398: Schedule of Tug
5 Rates.

6
7 Q. In paragraph 6 on page 3 of your brief
8 you state that the pilots work under a week-on and
9 week-off system. Do you realize that the week that
10 the pilots are on, they are on for 24 hours?

11 A. I understand that, yes.

12 Q. You make an issue out of this system. Do
13 you think it would be fair to have the pilots put on duty
14 continually on 24-hour basis without any time off?

15 A. No, I didn't say that, no.

16 Q. In paragraph 7 you mention the increase in
17 pilot costs over the last five years -- over the last ten
18 years. Is it not a fact that both side and top wharfage
19 charges have been increased in this port?

20 A. I don't know what periods you are talking
21 about.

22 Q. I understand there is only one Government
23 home wharf in Sydney. Do you happen to use that?

24 A. We don't use that wharf at all.

25 Q. What about stevedoring costs over the same
26 period, have they increased?

27 A. There has been an increase in the steve-
28 doring costs.

29 Q. By how much?

30 A. I couldn't tell you that. I don't know.



1 Q. Have you not used the Government wharf in
2 Sydney to discharge some of your products occasionally?

3 A. We have used the Government wharf in
4 Sydney at the request of owners that we acted as agents for,
5 such as the Canadian Pacific Railway. They would send
6 a shipment in here and we would discharge, we would
7 arrange for stevedoring and discharge it at the Government
8 wharf. We never used it for our own product.

9 Q. You make reference to the pilotage in
10 Halifax. Is it not a fact that your company uses the
11 Port of Halifax only to repair their vessels? They don't
12 take any shipment into Halifax?

13 A. Not at the present time. We don't ship
14 coal or steel into Halifax now.

15 Q. Now, in the last paragraph of your brief,
16 paragraph 8, page 3, you say in conclusion that Dosco
17 has no fault to find with the Sydney pilots. Do you
18 feel the pilotage system in Sydney is necessary?

19 A. I believe it is, yes.

20 Q. It is?

21 A. Yes.

22 Q. Is it your belief that the Sydney pilots
23 are qualified men?

24 A. Oh, quite, yes.

25 MR. LANGLOIS: Thank you very much.

26

27 RE-EXAMINATION BY MR. JACQUES:

28

29 Q. Just one moment, sir. What do you think
30 of the present basis of calculating pilotage dues on



1 tonnage and net tonnage?

2 A. I think it is a satisfactory method. It
3 has proved its worth throughout the years. I feel it is
4 quite satisfactory.

5 Q. When the various increases in the rates
6 were negotiated did you take part in those negotiations?

7 A. On a number of occasions these rates were
8 put in -- we didn't know about them. We were just
9 advised on a certain date these dues would be increased
10 so much, five per cent or ten per cent or something like
11 that.

12 Q. Is your shipping company a member of the
13 Shipping Federation of Canada?

14 A. It is, yes.

15 Q. Do you know whether the Shipping Federation
16 took part in the rate negotiations here in Sydney?

17 A. I am not quite sure. I couldn't tell you
18 that. They probably did through the Department of
19 Transport.

20 Q. Now, have any of your ships owned or
21 chartered being involved in any major casualties here
22 in Sydney?

23 A. Such as grounding or something like that?

24 Q. Grounding or major collision with a dock?

25 A. Minor collisions, nothing worth mentioning.
26 Never a grounding that I know of for quite a few years.

27 Q. Do you think if this were a tidal port
28 that pilots wouldn't have to stand a 24-hour watch seven
29 days a week?

30 A. Well, I am not confident to make a statement



1 in that regard. I don't know anything about the tidal
2 ports.

3 MR. JACQUES: Thank you very much.

4 MR. LANGLOIS: I forgot to ask you a question,
5 Mr. Campbell. Is it not a fact up to 1947 your company
6 has benefited by preferred pilotage rates for the Port of
7 Sydney?

8 A. 1947?

9 Q. Prior to 1947?

10 A. I know that -- I didn't think it went that
11 late, but I know before the Second World War that time
12 charter boats were given rates somewhat lower than the
13 standard scale.

14 MR. LANGLOIS: Is it not a fact, Mr. Campbell,
15 that from 1923 when the Department, D.O.T., took over the
16 pilotage district, up to 1947 your company paid two-thirds
17 of those rates in comparison with the pilotage district of
18 Halifax?

19 THE CHAIRMAN: Sydney.

20 MR. LANGLOIS: Sydney, pardon me.

21 THE WITNESS: Is possible. I can't say. I don't
22 have those records with me.

23 MR. LANGLOIS: Is it not a fact that you lost
24 this privilege of paying only two-thirds of the then
25 effective rates in Sydney when the exemption of ships
26 exempt from the payment of pilotage dues was raised to
27 1,000 tons net.

28 THE WITNESS: I don't quite understand your
29 question.

30 MR. LANGLOIS: Excuse me. This was done in 1960,



1 not in 1957. Now, an example was given this morning by
2 Mr. Smith, and this example is contained in Schedule A of
3 the brief presented by the Sydney pilots, the Golfo di
4 Genova which reported a net tonnage of 1906 tons only.
5 Would you tell the Commission if that ship was chartered
6 to your company?

7 THE WITNESS: She wasn't time chartered to us.
8 We didn't operate her. We took her in to load a cargo
9 of steel.

10 MR. LANGLOIS: Who paid the pilotage?

11 THE WITNESS: The ship owner.

12 MR. LANGLOIS: I understand that you paid the
13 pilotage due on all ships under time chartered to you.

14 THE WITNESS: Yes, port charge is retail.

15 MR. LANGLOIS: What about ships on voyage?

16 THE WITNESS: No, the ship pays port charges.

17 MR. LANGLOIS: Do you use many of these ships
18 on voyage charters?

19 THE WITNESS: Pardon?

20 MR. LANGLOIS: On voyage charters?

21 THE WITNESS: Steel shipments are on ship
22 charters.

23 MR. LANGLOIS: Your company doesn't pay pilotage
24 dues?

25 THE WITNESS: No, our ships don't pay pilotage
26 dues.

27 MR. LANGLOIS: Do you employ a ship on tonnage
28 charter only or for part cargoes.

29 THE WITNESS: Tonnage, we pay so much for the ton
30 cargo carried.



1 MR. LANGLOIS: In these cases you don't pay
2 pilotage dues?

3 THE WITNESS: We don't pay pilotage dues.

4 MR. LANGLOIS: Thank you.

5 THE CHAIRMAN: I understand that aside from
6 subsidies given for shipping by rail there are also sub-
7 sidies for shipping by ship.

8 THE WITNESS: That is so.

9 THE CHAIRMAN: Even with that it is cheaper to
10 go by rail at the present time?

11 THE WITNESS: That is right.

12 MR. LANGLOIS: May I interject, unless I am
13 wrong the assistance on movements by ships is limited
14 to coal while the Maritimes Freight Assistance Act applies
15 to all kinds of goods.

16 THE CHAIRMAN: Do you know about that statement
17 of Mr. Langlois' is right?

18 THE WITNESS: He is talking about the Maritimes
19 Freight rate and you are talking about the subvention
20 that the company obtains.

21 THE CHAIRMAN: Just for the sake of argument
22 if the cost of pilotage was somewhat reduced here would that
23 change the picture about shipments by rail and shipments by
24 ship?

25 THE WITNESS: It wouldn't have a very great
26 affect on it. Everything that goes into the port charge,
27 of course, affects the final cost.

28 THE CHAIRMAN: If it is quite low by rail
29 you would still use rail if the pilotage charges were
30 lowered?



1 THE WITNESS: That is so, yes.

2 THE CHAIRMAN: Now, under these voyage charters
3 the tug charges are charged to the ship also?

4 THE WITNESS: The tugs are charged to the ship,
5 yes.

6 THE CHAIRMAN: That is all.

7 MR. LANGLOIS: Just one question to clarify some-
8 thing, my lord. When a ship is on either voyage charter
9 or tonnage charter for those part shipments, part cargoes,
10 would your company in that case, in such cases pay pilotage
11 dues, the port charges and then get reimbursement from the
12 ship owners? Would you act as agent for the ship?

13 THE WITNESS: As agent for the ship we are
14 responsible. We pay all the charges and send our dis-
15 bursement accounts to the ship owner and he reimburses
16 us.

17 MR. LANGLOIS: So any total figure, if any were
18 given showing the total pilotage paid by Dosco for the
19 Port of Sydney, there would be part of this amount which
20 is reimbursed to Dosco as shipping agent for certain
21 vessels?

22 THE WITNESS: It could, yes sir, depending
23 on what figures they have used. If Dosco made up figures
24 that included everything or just made up figures covering
25 their own ships and time charges.

26 COMMISSIONER SMITH: My lord, I would like to
27 ask one question. Correct me if I am wrong, do I
28 understand that the Maritimes Freight Rate Act, talking
29 about shipments of coal under the Act you enjoy a re-
30 duction of 30 per cent?



1 THE WITNESS: That is on shipments west of
2 Diamond.

3 COMMISSIONER SMITH: Twenty per cent up to
4 Diamond, twenty per cent and thirty west of Diamond?

5 THE WITNESS: That is right.

6 COMMISSIONER SMITH: In addition to that, and
7 correct me if I am wrong, there is in addition a subvention
8 per ton on the movement of coal?

9 THE WITNESS: Yes, you are right, sir, 30 per
10 cent reduction is on the freight rate, the rate that the
11 railway charges for moving this coal.

12 COMMISSIONER SMITH: That is under the Maritimes
13 Freight Act.

14 THE WITNESS: The railway gets that, and the
15 subvention comes to the operator.

16 COMMISSIONER SMITH: That subvention, you don't
17 remember exactly the extent of it per ton to Ottawa
18 or Montreal or some place in central Canada.

19 THE WITNESS: No, I haven't got those figures
20 with me, sir.

21 COMMISSIONER SMITH: Thank you.

22 RE-CROSS EXAMINATION BY MR. LANGLOIS:

23 Q. In case of shipment of coal by rail,
24 would your railway company get part of the subsidy?

25 A. What railway company are you talking about?

26 Q. Dosco, from the mines.

27 A. Dosco really has no railroad. You are
28 talking about the Cumberland Railway Coal Company?

29 Q. Yes. It is a subsidiary?

30 A. It is a subsidiary of Dominion Coal Limited.



1 Q. When this subsidiary has any shipment of
2 coal by rail, it will apply to this?

3 A. We get a small portion of it, yes.

4
5 EXAMINATION BY MR. JACQUES:

6 Q. In fixing the price of your steel and coal,
7 do you take into account pilotage charges?

8 A. Oh yes. When a ship is offered to us,
9 we make an estimate of what it would cost us to trade
10 a cargo of coal by such a ship. Pilotage charges enter
11 into the cost of freight.

12 Q. In your cost of freight, it doesn't matter
13 what it is steel or coal, you take into account pilotage
14 dues?

15 A. Yes.

16 Q. Now when you import iron ore, or any other
17 products which you use to make the steel products, do
18 pilotage dues enter into the picture at all?

19 A. They do insofar as the ship owner is
20 concerned because it is a matter of concern to him because
21 if the port charges are very high, he is going to reflect
22 that in the rate that he quotes us.

23 Q. Do you import f.o.b. point of departure?

24 A. No. Yes we do. F.o.b. shipping point.

25 Q. F.o.b. shipping point?

26 A. Yes.

27 COMMISSIONER SMITH: You mentioned port charges,
28 are all those charges buried in the charter rate that you
29 pay for the charter ship?

30 THE WITNESS: They would be, yes, because that



1 is probably the owner's operating cost; he would have to
2 figure that in.

3 MR. LANGLOIS: Do you sell coal f.o.b. mine head?

4 THE WITNESS: That is something I cannot tell
5 you. That would be a sales matter. I don't know.

6 Q. Well thank you very much sir.

7 MR. MacNEIL : There was a question that arose
8 about the Shipping Federation receiving notice, and I have
9 been asked to file with the Commission a letter dispatched
10 by the Shipping Federation under date of July 4th, 1960,
11 dealing with this matter. It is addressed to the Deputy
12 Minister of Transport at Ottawa, protesting the fact that
13 the Federation had not received notice.

14 MR. JACQUES: My lord, since there is a repre-
15 sentative of the Shipping Federation, I should like him
16 to take the stand and file this. This is a copy of a
17 letter addressed to Mr. Baldwin. Instead of filing it,
18 we might read it into the record my lord.

19 THE CHAIRMAN: Have it identified first by the
20 witness.

21 MR. JACQUES: Yes my lord.

22 MR. LANGLOIS: My lord, at this point I would like
23 to state, on behalf of my principals, that this 1960
24 change in the rate structure of pilotage dues in Sydney
25 was not requested by the pilots. It was imposed on them
26 by the Department when they decided to raise the exemption
27 to 1,000 tons and the pilots were not consulted any more
28 than was the Shipping Federation.

29 THE CHAIRMAN: What you say there, of course,
30 are facts that we are going to get in evidence?



1 MR. LANGLOIS: I will put a witness on the
2 stand to that effect.

3
4 CAPTAIN J. E. MATHESON, sworn

5
6 DIRECT EXAMINATION BY MR. JACQUES:

7
8 Q. Would you state your full name and age?

9 A. My name is Captain J. E. Matheson. My age
10 is 56. I am Assistant General Manager of the Shipping
11 Federation of Canada.

12 Q. And what is the name of the General Manager
13 sir?

14 A. Mr. C. T. Mearns.

15 Q. I show to you a letter dated July 4th, 1960,
16 addressed to Mr. J. R. Baldwin, Esq., Deputy Minister of
17 Transport, Ottawa, Ontario, and purported to be signed by
18 Mr. C. T. Mearns, General Manager. Would you look at
19 this letter and tell me whether it was in fact sent by the
20 Shipping Federation?

21 A. Yes, it was sir and there is a copy in our
22 office. This is the copy that was sent to Dominion Steel
23 & Coal Company.

24 Q. Thank you sir.

25 MR. JACQUES: With your lordship's permission,
26 I should like to read the letter into the record.

27 THE CHAIRMAN: With documents which are not too
28 long, it is preferable to read them into the record and
29 then everyone who has the transcript has a copy.

30 MR. JACQUES: The letter reads as follows:



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TORONTO, ONTARIO

Matheson, dir ex
(Jacques)

3490

1 "Dear Mr. Baldwin:

2 "Increase in pilotage tariff at Sydney,

3 "N.S.

4 "I am directed to refer to a recent increase

5 "in the Sydney pilotage tariff, approved by the

6 "Pilotage Authority, effective June 2nd, 1960.

7 "The Federation received no prior advice of any

8 "such change in tariff, and, as a matter of fact,

9 "it was brought to our attention by one of our

10 "members, the Dominion Steel & Coal Corporation

11 "Limited, who in turn was advised by its Division

12 "Traffic Manager at Sydney, under date June 16th,

13 "that he had been notified of the increased

14 "tariff.

15 "Our members are very much disturbed over

16 "this action taken by the Pilotage Authority in

17 "approving an increase in the Sydney pilotage

18 "tariff without giving the Federation prior

19 "advice of the contemplated changes. As a

20 "result, the Federation did not have an

21 "opportunity to consider the proposed increases

22 "in the tariff and furnished its view thereon

23 "to your Department. As you are aware, for

24 "many years it has been the practice of your

25 "Department, when pilots in the various Districts

26 "put forward demands to the Pilotage Authority

27 "for increases in tariff or amendments to

28 "By-laws, to forward such proposals to the

29 "Federation, with a request that its views and

30 "recommendations be submitted to the Department,



1 "before a decision was reached by the Pilotage
2 "Authority regarding any such proposed amendments.

3 "Last month, we received from your Depart-
4 "ment statistics of earnings for the Pilotage
5 "Districts of Sydney, N.S., Halifax, N.S. and
6 "Saint John, N.B., and the statistics for
7 "Sydney show that a high level of earnings was
8 "enjoyed by the pilots in that District during
9 "the past year. It is noted that the average
10 "gross earnings per pilot amounted to \$9,811.05.
11 "It is also noted that a little more than
12 "50 per cent of the gross pilotage dues was
13 "collected under the compulsory payment provision
14 "of the By-laws in cases where the services
15 "of a pilot were not used by the vessel. Our
16 "members feel strongly, therefore, that in view
17 "of the high level of earnings enjoyed by the
18 "Sydney pilots during the 1959/60 period, there
19 "is no justification, under the circumstances,
20 "for any increase in the Sydney pilotage
21 "tariff at this juncture.

22 "In any event, I wish to reiterate the
23 "deep concern of our members over the change in
24 "policy taken by the Department in implementing
25 "an increase in the Sydney pilotage tariff
26 "without prior consultation with the Federation
27 "or advice of the changes contemplated in this
28 "tariff.

29 "I am directed to request, respectfully,
30 "that your Department continue the practice whereby



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Matheson, dir ex
(Jacques)

3492

1 "the Federation is given an opportunity to study
2 "any proposed increases in tariff or amendments
3 "to By-laws in any of the Pilotage Districts
4 "before such changes are agreed upon. I am sure
5 "you will agree that the Federation has always
6 "endeavoured to co-operate fully with the
7 "Pilotage Authority in arriving at equitable and
8 "reasonable tariff for the various Pilotage
9 "Districts. Yours very truly. Signed: C.T.
10 "Mearns, General Manager."

11 Thank you sir.

12 MR. LANGLOIS: I notice in this letter you
13 complain about the rates, the rates having been put up
14 without your consent?

15 THE WITNESS: Without consultation, sir.

16 MR. LANGLOIS: At the same time I see no
17 complaint about the exemption which has been raised to
18 1,000 tons without consulting you either.

19 THE CHAIRMAN: There is a question to be dis-
20 cussed before the evidence is brought up, so we will adjourn
21 for ten minutes.

22 MR. LANGLOIS: Before we do, my lord, this
23 morning the Commission counsel asked me if I would have
24 any objection to the Bras D'Or Lake pilots going on today
25 and I said no. Now my status has changed in this regard.

26 I am now representing as from noon today the
27 Bras D'Or Lake pilots. I would like to have a chance to
28 read the brief tonight and discuss it with them in the
29 morning. If we can delay the hearing of these pilots
30 until tomorrow morning, I would appreciate it.



1
2 ---SHORT RECESS

3
4 ---FOLLOWING SHORT RECESS

5
6 MR. CLAUDE HUNTLEY, sworn

7
8 DIRECT EXAMINATION BY MR. JACQUES:

9
10 Q. What is your age?

11 A. Forty-one.

12 Q. And your occupation?

13 A. Pilotage accountant.

14 Q. How long have you been pilotage accountant?

15 A. Sixteen years.

16 Q. Would you explain to the Commission the
17 book system that you keep as pilotage accountant?

18 A. Yes. We keep an accounts receivable
19 register and a cash book.

20 Q. And do you pay out any money to pilots?

21 A. We pay the pay list from the office.

22 Q. From the gross earnings of the districts.
23 What deductions do you make, if any?

24 A. We make a deduction for the pension fund.

25 Q. Any other deductions which you make?

26 A. No other deductions. Just for pay list
27 and incidental expenses pertaining to the pilots themselves.

28 COMMISSIONER SMITH: A pension deduction of
29 16 per cent?

30 THE WITNESS: Sixteen per cent, yes.



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TORONTO, ONTARIO

C.Huntley, dir ex 3494
(Jacques)

1 Q. Now do you pay income tax on behalf of the
2 pilots?

3 A. That is right.

4 Q. Have the pilots signed a TD-1 form?

5 A. Yes.

6 Q. Whose name is shown as employer's name
7 in the T-4 slips?

8 A. Sydney Pilotage Authority.

9 Q. Are the pilots under Workmen's Compensation?

10 A. No.

11 Q. Unemployment Insurance?

12 A. No.

13 Q. Do you make any deduction from the shares
14 of the pilots before you remit them any money?

15 A. Their local savings bonds and their de-
16 duction towards the welfare fund.

17 Q. What do you mean, their medical?

18 A. Their deduction towards Maritime Medical
19 Care, or Maritime Hospital Association.

20 Q. What other deductions?

21 A. To the welfare fund.

22 Q. What is that?

23 A. That is a fund we make a deduction of
24 \$8.00 per man per month and we keep it in a separate
25 account. From that fund they pay their guild dues, and
26 other expenses, such as flowers, funerals, mass cards,
27 as the case may be.

28 Q. You look after the accounts of that fund?

29 A. I do.

30 Q. You do? Do you receive any remuneration from



1 pilots to do so?

2 A. Yes.

3 Q. You do receive a remuneration?

4 A. Small.

5 Q. What figure do you use as a basis for
6 income tax?

7 A. We more or less calculate on the previous
8 year.

9 Q. Have you prepared a list of the pension
10 years, the actual pension years of the District?

11 A. Yes. I think there is a list here this
12 morning Captain Parker had. You mean of their ages?

13 Q. With their ages, whether they are widows
14 or pilots.

15 THE CHAIRMAN: Exhibit 392.

16 Q. I should like this document to be marked
17 as Exhibit No. 399 for identification.

18

19 ---EXHIBIT No. 399: List of the present
20 pensioners for the
21 Sydney Pilotage District,
22 date of birth, year they
23 were pensioned and the
24 fact whether they have
25 any children or not drawing
26 pension.

27 Q. I see under the first entry, under the year
28 1932 the mention "husband". Would you explain that
29 mention?

30 A. That is the year Mr. Cann went on pension
and we have no records of when he died. It is
approximately at that time, 1932 or 1933.

Q. Would the same explanation apply to the



1 other mention of husband and approximate?

2 A. That is right. "And approximate" is the
3 time Mrs. Henry Petrie went on pension and also Mrs.
4 Ratford.

5 Q. Went on pension?

6 A. That is right.

7 Q. Now sir are you able to tell the Commission
8 the cost of operating the pilot station?

9 A. Yes. For last year it was one thousand
10 seven hundred and some odd dollars.

11 Q. What does that include?

12 A. That includes laundry, lights, char
13 service, telephone and supplies.

14 Q. What do you mean by "supplies", food
15 supplies?

16 A. No. That would be linen, soaps which are
17 purchased from the Marine Agency in Halifax.

18 Q. Does the District supply any food for the
19 pilots on their station?

20 A. No. Any food that is supplied to the
21 pilot station is paid by the pilots themselves out of
22 gross funds.

23 Q. And you keep these accounts?

24 A. Yes, we keep those accounts.

25 Q. Do you have any figure on the repairs
26 which are done to this pilot station throughout the year?

27 A. Yes, we would have figures. Over the
28 last couple of years there has been no repairs to speak
29 of. Mostly incidental.

30 Q. Now sir we were told that this building had



1 originally been purchased by the pilots. Would your
2 files show anything concerning this deal?

3 A. Yes. Our files show the whole complete
4 transaction.

5 Q. Would you explain this transaction please
6 to the Commission?

7 A. Originally the pilots were to pay for the
8 cost of the building, and the removal of the building from
9 Swivel Point, which is on Granberry and during the course
10 of a year or two while this building was being moved and
11 renovated, the Department assumed all responsibility for
12 the cost.

13 Q. Who bore the original expense of purchasing
14 this building and having it moved and doing the repairs
15 on it?

16 A. Well the original expense was paid by the
17 pilots, but they were reimbursed.

18 Q. By the Government?

19 A. By the Government.

20 Q. Are you able to tell us the amount of these
21 original expenses?

22 A. No. It was slightly under \$5,000.00.

23 Q. And this was reimbursed to the pilots?

24 A. That is right.

25 Q. Now are you familiar with the advances
26 which the Department was to make to the pilots in the
27 50's? Do you know anything about that?

28 A. That was advances to cover pay list?

29 Q. Yes, pay list?

30 A. They always made advances of, I think it



1 varies, either \$2,500.00 or \$5,000.00 to cover pay list
2 for the month of April and May while shipping was low and
3 towards the late 50's or middle 50's, the Department has
4 done away with that procedure and the pilots were expected
5 to keep a certain amount in the fund to pay for their
6 wages over these four months.

7 Q. During the slack months?

8 A. Yes.

9 Q. Do you know anything about the building of
10 pilot boat number 4 and her registration as one of
11 Her Majesty's vessels?

12 A. No.

13 Q. Would your files show anything on that?

14 A. It is possible the early files, around 1940
15 or 1941 would have that information. It is possible.

16 Q. Would you be kind enough to look through
17 your old files on that particular subject, so that to-
18 morrow you may be able to supply the answer to the Commission?

19 A. Yes.

20 Q. And would you also prepare, if it is possible
21 for the Commission, a document which could be filed later
22 on which would show the fees collected from ships which do
23 not use pilots, and yet pay the fees?

24 THE CHAIRMAN: You mean total amount or break-
25 down or number of ships charged?

26 MR. JACQUES: I think some breakdown of the
27 ships could easily be supplied because I am instructed
28 there are only two ships.

29 THE CHAIRMAN: That is what we would like to
30 know.



1 MR. JACQUES: The William Carson and another
2 ship.

3 THE CHAIRMAN: If that is the effect, may that
4 be stated in the document also, if it is that easy.

5 Q. Would you do that?

6 A. What was that again?

7 Q. Which ships are concerned? The names?

8 MR. LANGLOIS: My lord, I am afraid there is
9 another ship.

10 MR. JACQUES: I said there are two.

11 MR. LANGLOIS: There are three.

12 Q. The names of the ships which are subject
13 to the payment of pilotage dues and do not use pilots
14 during the year 1962, together with a total amount of dues
15 paid by these ships. The names of the ships and the
16 total amount paid into the pilotage fund.

17 COMMISSIONER SMITH: I thought there were several
18 C.N.R. ships apart from the Carson that were in that
19 category. I don't know. Somebody told me.

20 Q. Will you also prepare for the Commission
21 if it is at all possible a list of ships under 1,000 tons
22 which took pilots. Thank you, sir.

23 THE CHAIRMAN: Any questions, Mr. Langlois.

24 MR. LANGLOIS: No.

25 THE CHAIRMAN: Any further questions?

26 MR. MacNEILL: I think not my lord.

27 MR. JACQUES: Mr. MacNutt.

28

29

30



1
2 ERSKINE K. MacNUTT, sworn

3
4 DIRECT EXAMINATION BY MR. JACQUES:

5
6 Q. Would you state your full name, your
7 age and occupation?

8 A. My full name is Erskine K. MacNutt,
9 occupation is District Marine Agent, Department of Trans-
10 port at Charlottetown, age 64.

11 Q. And Canso, north of the Causeway, Pictou,
12 Pugwash, Shediac, Buctouche, Richibucto and Miramichi
13 are in your district?

14 A. Yes, sir.

15 Q. Will you tell us in any rotation you
16 please if you can remember what aids of navigation are
17 available and how efficient they are?

18 A. How about I start from Canso and work
19 west along Northumberland. At Canso the district goes
20 as far as the Causeway, just to the Causeway. The aids
21 there are -- how would it be if we divided between lights
22 and sound and then buoy aids in each case. Coming to the
23 entrance of the Causeway there is one main gaslight..
24 It is unwatched, electric. There is one set of ranges,
25 electric ranges leading from the entrance to the Causeway
26 through to the Causeway just approaching the locks to go
27 through. There is only one buoy which has a light,
28 gas, and bell-buoy at the entrance to the Causeway --
29 entrance to the Gut of Canso, I am sorry. That covers
30 that area there as far as aids to navigation go.



1 Q. Are you able to tell the Commission how
2 efficient these aids are. If you don't recall I would
3 ask you then to prepare a full statement on their efficiency
4 and make it available to the Commission later.

5 A. Very good, sir. We don't have very many
6 outages. Occasionally one will go out. We have a care-
7 taker who reports them immediately and shipping interests
8 report them to us. The caretaker is supposed to jump on
9 them and service them immediately and not report to us.
10 Ordinarily they wouldn't be out more than a day or two
11 days because we are not too far away to service them.
12 It could happen, as I say they are not watched, but they
13 are not out too long. I don't recall anything there. I
14 would like to refer our records and not go by memory.
15 I wouldn't like to do that, what we have had in the last
16 two or three years.

17 Aids to navigation in the Pictou Harbour. We
18 have a main gaslight off Pictou, the entrance to Pictou
19 Harbour which is an unwatched gaslight. There are two sets
20 of ranges entering Pictou Harbour and two sets inside the
21 harbour leading up there to New Glasgow and Trenton inside
22 the harbour. These are all with one exception unwatched
23 lights, that is electrical gas automatic equipment in those
24 lights. Our buoyage system coming in there are a
25 number of steel buoys such as can, conicle and inside
26 the harbour we have two electric buoys inside for
27 navigation inside the harbour, small electric buoys inside.
28 That covers it for Pictou. You have four systems of
29 leading lights to get in and through that harbour with
30 continually lighted buoys inside. Outages of this equip-



1 ment -- we have had very little trouble, but occasionally
2 we do and in all cases it is caught very quickly and we get
3 service very quickly, frequently within two days and per-
4 haps on the same day it is reported to us.

5 Q. Pugwash?

6 A. Pugwash, we have one main gaslight at the
7 entrance to Pugwash Harbour followed by three entrance
8 ranges, two of these are gaslights, unwatched lights,
9 two of the ranges are unwatched and there is one watched
10 range light. The buoyage system in Pugwash, we have a
11 number of can-buoys and conicle and spars including four
12 lighted, small lighted electric buoys to mark the quick
13 turn in the channel inside. At this particular place we
14 have had a request, not very long ago, within the last
15 two weeks from the shipping interests to improve aids in
16 that area, to extend additional range out into the straits.
17 There is a shallow spot outside that shipping coming into
18 the main gaslight, to pick up the entrance range,
19 might possibly if they are not careful get into trouble.
20 They have asked us to investigate another range. We have
21 investigated. We hope to get it through
22 next year. The Department has partially approved it
23 and I think we will have it next year and I think it will
24 help the navigational aids at Pugwash. Recently, last
25 year and the year before we added additional lights,
26 additional buoys in Pugwash because the shipping has
27 increased in there because of the salt shipments.

28 Q. The next place is Shediac.

29 A. You want Shediac. We have two entrance
30 lights, range lights coming into Shediac, one is watched



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MacNutt, dir ex
(Jacques)

3503

1 and the other is unwatched. As far as the buoyage goes
2 we have one main gas and bell-buoy which we could call the
3 entrance or fairway buoy off Point du Chene. This
4 system of buoy aids coming in -- it is carried on by a
5 local contractor under contract with the Department of
6 Transport to maintain spar-buoys and steel-buoys in the
7 entrance coming in. We also have one small electric
8 lighted buoy marking a turn in the channel. I might say
9 that at Shediac we have had some complaints from the
10 pilots very recently, this spring, and I think the state-
11 ment was made that some of the lights at the entrance to
12 Shediac were only in operation half of the time. Of
13 course this is an exaggeration, but the trouble was there.
14 we had a lot of trouble with Shediac Island. It is a
15 place with a lot of picnic people, and a lot of people
16 come from Moncton. I don't like to say they are
17 irresponsible, but they have a habit, and I think it is
18 the juveniles, of climbing up into our range lights and
19 they are automatic electric, and I think they want to find
20 out how they work and they damage the equipment. We have
21 had an awful lot of trouble with this equipment. We have
22 asked the Mounted Police and we have asked the Harbour
23 Master to watch -- we have asked everybody to help keep that
24 place in operation. Also when they are not around there
25 again the people in that place use the two lighthouses
26 we had on the island for target practice for rifles.
27 Every summer we get that shot up. We have an awful
28 lot of trouble in the operation. The complaints are
29 legitimate to a certain extent. We have requested the



1 pilots to help us out by reporting immediately instead of
2 saying it is out half the time. If they would report it
3 the day they see it we could get a mechanic there the
4 following day, which we have to do. Even if they are out
5 a week or ten days we wouldn't know. They are unwatched
6 lights. I think a lot of responsibility would be theirs.
7 We have asked them to help us out reporting this to us.
8 We have asked them only recently. You may have heard
9 about that.

10 Q. We have heard about that.

11 A. It is a thing that is very difficult to
12 control. We are doing the best we can.

13 Buctouche, we have one main gaslight at the
14 entrance to Buctouche Harbour. We have a set of two un-
15 watched range lights entering the harbour and we have
16 quite a system of buoys, steel, can, conicle and spars
17 and a lot of bushes to mark the turns. There is not too
18 much shipping but there is a little.

19 Q. Have you had any complaints in Buctouche?

20 A. I don't recall any complaints in Buctouche,
21 at least it hasn't come to our attention. There may be
22 some possibly in shoaling of the channel which would
23 possibly require dredging. This is one of the soft
24 harbours with a tendency to shoal up, but the complaints
25 possibly might have gone to the Public Works for dredging.
26 I don't recall any recent ones.

27 Richibucto, we have a very elaborate system
28 of aids to navigation there. We have, I think, six
29 separate range lights to go into Richibucto, most of
30 them are unwatched lights. We have a main coastal



1 entrance, fairway buoy, gas and bell-buoy for the Richibucto
2 Harbour and a quite complicated system of can-buoys,
3 conicle-buoys and spar-buoys and small lighted electric
4 buoys on through the channel all the way up there. We
5 are continually having to adjust equipment there because
6 of the change in the channel. It is another one of the
7 sand bar entrances which storms and other conditions
8 will change. I know the pilots in trying to go out they
9 will sound the harbour before they bring a ship in every
10 time. They can't depend on it a few days apart. It has
11 to be sounded practically every time they bring a ship
12 in. They do it to be sure. We have a buoy contractor
13 there who keeps in touch with it and he will move the
14 buoys according to the conditions as they apply. It has
15 to be subject to changes continually in the harbour.

16 In the sand harbour in New Brunswick and along the
17 north side of P.E.I. every storm will change them. It
18 is continuous to keep those things in order all the time.

19 Q. And the last one is I believe, Miramichi.

20 A. Miramichi and Miramichi River, in the
21 Miramichi going from Miramichi Bay and up to Miramichi
22 River, I think we have something like 13 sets of range
23 lights. It is quite complicated. We have quite a number
24 of lighted buoys, I think probably ten or twelve through
25 the channel. Some are gas. Most are now electric.
26 Some are gas and bell-buoys. There are a lot of spars.
27 I can't remember offhand how many buoys we have through
28 that bay and river along up as far as Newcastle, but
29 somewhere in the vicinity of 50 or 60 just to go up across
30 that and up through that river. They have quite active



1 shipping up there now because it is increasing -- the
2 shipping is increasing from Newcastle for ore shipments
3 and lumber. They are getting quite active up there and
4 asking for more buoys. Last year we gave them additional
5 aids on that river, a number of lighted buoys, chained
6 some for them and recently, our buoy ship came back
7 Saturday from being up there a week giving them more
8 additional buoys. We are doing everything we can. We
9 work with the pilots, with the Harbour Master and the
10 shipping interests. We had a meeting, two meetings with
11 the shipping interests there, with the pilots and every-
12 body concerned and took the interested people down to the
13 channel to get everybody's point of view to see what
14 they needed and how we could improve conditions for them.
15 We are doing the best we can for them. There may be a
16 few things more that we may do for them, but I think we
17 are trying to meet their requirements.

18 MR. JACQUES: Your statement might be filed as
19 Exhibit No. -- we might give it a number now.

20 THE SECRETARY: 400.

21 MR. JACQUES: 400, statement of efficiency of
22 aids of navigation in the Ports of Miramichi, Richibucto,
23 Buctouche, Shediac, Pugwash, Pictou and of the Gut of
24 Canso.

25 MR. LANGLOIS: What was the number?

26 THE SECRETARY: 400.

27 MR. JACQUES: Your witness.

28 MR. LANGLOIS: No questions.

29 MR. JACQUES: Might the witness be excused,

30 my lord. Now I would ask the pilots to present their briefs.



1 ---EXHIBIT No. 400: Statement of Efficiency of
2 aids of navigation in the
3 Ports of Miramichi, Richibucto,
4 Buctouche, Shediac, Pugwash,
5 Pictou and of the Gut of Canso

6 THE CHAIRMAN: Mr. Brown?

7 MR. JACQUES: Mr. Brown gave his evidence in
8 Halifax.

9 MR. LANGLOIS: Captain Huntley.

10 ALEXANDER MACKENZIE HUNTLEY, sworn

11 MR. JACQUES: Will you state your full name
12 and age?

13 THE WITNESS: Alexander Mackenzie Huntley, age
14 49.

15 MR. LANGLOIS: My lord, I would like to file as
16 Exhibit 401 the brief submitted by the Sydney pilots.

17 ---EXHIBIT No. 401: Brief submitted by the
18 Sydney Pilots

19 DIRECT EXAMINATION BY MR. LANGLOIS:

20
21 Q. Captain Huntley, how long have you been
22 a pilot?

23 A. Twenty-three years.

24 Q. What was your experience before you became
25 a pilot?

26 A. I served in a sea-going capacity with
27 Imperial Oil as Second Officer and Third Officer on their
28 ships. Previous to that I had served time in the Deck
29 Department of the Coastal Ships.

30 Q. What certificates do you own?



1 A. Mate coasting, passenger and steamship.

2 Q. Now, I understand that you are the Chairman
3 of the Pilots Committee for the Pilotage District of
4 Sydney?

5 A. Yes.

6 Q. How long have you been Chairman, Mr. Huntley?

7 A. About five years.

8 Q. Who are the other members of the Pilots
9 Committee?

10 A. Pilot Ryan and Pilot Campbell.

11 Q. Will you describe to the Commission how
12 election is held for the officers of the Pilots Committee?

13 A. In April of each year we have our annual
14 meeting and one of the duties, that is to comply with the
15 By-laws of the Sydney Pilotage District, we hold an
16 election for three members of the Pilotage Committee. We
17 do this by means of secret ballot.

18 Q. How many meetings would your Committee
19 have in any given year as an average?

20 A. We have an annual meeting and during the
21 year if there is any subject that we feel concerns all the
22 pilots we call a meeting.

23 Q. Are minutes kept of all these meetings?

24 A. Minutes are kept, yes.

25 Q. At this stage I have asked Captain Huntley
26 to let me have the minute book and I will have it in the
27 morning if you care to look at it. Now, how many active
28 pilots are there in your District presently?

29 A. At present there are twelve pilots.

30 Q. Are these pilots organized? Do they belong



1 to any organization?

2 A. They do.

3 Q. Would you name it?

4 A. They are members of the Canadian Merchants
5 Service Guild.

6 Q. All of them?

7 A. All of them.

8 Q. Now, I have here the brief which is filed
9 as Exhibit 401. Who drafted this brief, Captain Huntley?

10 A. The members of the Committee.

11 Q. Has the brief been approved in its final
12 form by all the pilots of the District?

13 A. At our last annual meeting authority was
14 given, full authority was given by the pilots that the
15 drawing up of this brief would be left in the hands of
16 the Pilots Committee and that they would be in agreement
17 with any submission that the pilots brought before the
18 Royal Commission on Pilotage.

19 Q. Did your Committee seek and did it get
20 suggestions from the pilots individually or as a group
21 in connection with this brief?

22 A. There were some individual suggestions.

23 Q. Were all suggestions made by individual
24 pilots taken into account in the drafting of the brief?

25 A. They were.

26 Q. Are you satisfied that this brief will
27 present the views of all the pilots of the Sydney District?

28 A. I am. Incidentally each pilot received a
29 copy when the copies were printed. Each pilot received
30 a copy for his own perusal.



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A. M. Huntley, dir ex 3510
(Langlois)

1 Q. When was that?

2 A. That would be approximately one month ago.

3 Q. One month ago. Have you received any
4 unfavourable comments on the brief?

5 A. The pilots seemed to be satisfied and quite
6 in agreement with the brief that was drawn up.

7 Q. Now, you may refer to the brief to refresh
8 your memory if you want to, Captain Huntley. On pages 2 & 3
9 and part of page 4 of your brief you give the history of
10 your District. Are the facts mentioned in this history
11 of your District the facts that are to your own knowledge?

12 A. They are facts of our own knowledge. I
13 must admit the earlier history of pilotage in Sydney
14 Harbour, that has been passed down by the older pilots.
15 We have no documents to substantiate this early history
16 report that has been made in the brief.

17 Q. On page 4 of your brief mention is made of the
18 shift of the pilotage station from Swivel Point to Indian
19 Point. Who suggested this change and was there any
20 reason for the change?

21 A. The reason for the change -- previous to
22 1949 the pilot station was placed at Indian Point, living
23 quarters were provided there and we also had a break-
24 water used for the purpose of having the pilot boat on
25 station. This breakwater was carried away by a storm
26 and the Department at that time saw fit not to replace the
27 breakwater. They suggested that we use Indian Point.
28 for a pilot station for our boat, refuge for our boat.
29 We at that time had the pilot station removed from Swivel
30 Point to the present location at Indian Point. We have



1 continued in that position ever since.

2 Q. From the standpoint of the efficiency
3 of the District and the pilotage services in Sydney, is
4 Indian Point more convenient than Swivel was for the
5 pilotage station?

6 A. I would say we believe it to be.

7 Q. Would you give your reasons for so
8 believing?

9 A. It is more central. We can serve both
10 arms of the harbour and we have a better form of communication.

11 Q. Now, on page 4 again of your brief you
12 mention that in 1960 two more men were placed as crew
13 members and a former crewman promoted to master. Will
14 you tell the Commission when this method of manning
15 pilot boats was started?

16 A. Previous to 1960 when the pilot boat went
17 to embark or disembark a pilot off from a ship a second
18 pilot always went along to act as master of the pilot
19 boat. That was done, it was always the system in this
20 District previous to my coming on the pilot service, and
21 in 1960 the Department made this change. They put two
22 crewmen to serve as deck hands, we may call them deck
23 hands, and the launch men that were on the boats previous
24 to 1962, they were promoted to Masters of the boat,
25 thereby relieving pilots of the duty of serving as master
26 of the pilot boats.

27 Q. Did at any time the pilots request this
28 method of manning of a pilot boat?

29 A. We didn't request it, no.

30 Q. When the pilot boat was in charge of a pilot,



1 prior to 1960, was that pilot drawing additional pay as
2 master of the pilot boat?

3 A. No.

4 Q. So that this method of manning a pilot boat
5 was really an increase in the operation of the pilotage
6 district?

7 A. That is correct. It was an increase against
8 the District.

9 Q. Can you enlighten the Commission in regards
10 to the taking over of pilot boat number 4 by the Department
11 of Transport?

12 A. In 1949, if I am correct, one of the
13 recommendations brought down by the Audette Commission on
14 pilotage was that the Department assume the cost of
15 pilot boats and stations, and it was at this time that
16 they took over the cost of the pilot boats in the Sydney
17 Harbour.

18 Q. Was the boat taken over sold to the
19 Department or was there a remuneration paid to the pilots
20 for the boat?

21 A. No. There was no remuneration but since
22 that time, the boat was built and paid for by the pilots
23 from their own revenue and in a space of two years we have
24 paid the sum, I think it was in the vicinity of \$38,000.00
25 that we paid over a period of two years for the building
26 of this boat, and after the cost was assumed by the
27 Department. For instance, we had a new engine put in
28 the boat. The Department assumed the cost of the new
29 engine. They assumed the cost of radar and they assumed
30 the cost of all repairs and maintenance for the boat since.



1 Q. When you say that a sum of \$38,000.00 was
2 paid over two years, it was paid to whom?

3 A. It was paid to the boat builder. The boat
4 was built in Port Hawkesbury and I am not familiar -- that
5 was my early time when I became a pilot. There may be
6 some of the older pilots, if it is in order, who may have
7 a better grasp of the history of the payments.

8 Q. I will not, of course, ask you to state
9 facts which are not of your own personal knowledge but
10 would you know whether or not during the time this boat
11 was operated by the pilots was there marine insurance on
12 the boat?

13 A. There was marine insurance carried on the
14 boat, yes.

15 Q. And by whom were the premiums paid?

16 A. By the pilots.

17 Q. To whom were the losses payable under this
18 policy of insurance?

19 A. Not having seen the policy, I couldn't
20 answer that with certainty.

21 Q. Was the taking over of this boat by the
22 Department of Transport a request by the pilots?

23 A. It was one of the recommendations of the
24 Audette, if I am correct in stating it, of the Audette
25 Commission of 1949.

26 Q. Prior to the taking over of the pilot
27 boat by the Department of Transport, was there any charge
28 made to the ship industry for the use of the boat?

29 A. No sir, there wasn't.

30 Q. Who suggested that the present charge for the



1 use of the boat be made?

2 A. The Department of Transport.

3 Q. They did that, I assume, when they took over
4 the boat?

5 A. It wasn't done just when they assumed the
6 expense of the boat. It was done at a later date. You
7 are referring to the \$10.00 boat charge?

8 Q. In and out, yes.

9 A. I am not just certain what year that went
10 into effect. I would say in the vicinity of 1954 but I
11 am not certain of that.

12 Q. Now on the same page 4 mention is made of
13 the cost of removing the station from Swivel Point to
14 Indian Beach. Who owned that building?

15 A. The pilots bought this building from the
16 War Assets. It was a building that was used by the Naval
17 Authorities who had an asdic station, and this building
18 was used for the living quarters for some of their staff
19 and that building was advertised in the newspaper as a
20 war surplus.

21 The pilots bought it. I think, if I remember
22 correctly, we received it for \$750.00 and we have had
23 the building shifted to the present location. The Depart-
24 ment granted a loan of \$5,000.00 to have it shifted and
25 repaired to the pilots' specifications. I understand
26 that the sum of \$5,000.00 wasn't quite spent. However,
27 the Department cancelled that loan out on us. We didn't
28 have to pay that loan back.

29 Q. The loan was made to the pilots?

30 A. The loan was made to the pilots.



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A.M. Huntley, dir ex 3515
(Langlois)

1 Q. Who owns the building now?

2 A. Well that is a pretty good question. We
3 believe that building is still ours, but due to the fact
4 that they cancelled out the loan, we were quite satisfied
5 to be relieved of the ownership because we felt we got a
6 pretty good bargain.

7 Q. Do you pay any taxes on the building?

8 A. The only charge that I believe we pay is
9 water rates to the Town.

10 Q. That is paid by the Department. You were
11 paying it up to that time? Before it was taken over?

12 A. That is right.

13 Q. Are there any other assets belonging to the
14 Sydney pilots?

15 A. Not at present I wouldn't say.

16 Q. Was it not the situation at the time that
17 the pilots, correct me if I am wrong, joined the Pilotage
18 District of Halifax, they had to buy a share into the
19 assets of the pilots?

20 A. That was the system when we became licensed
21 as pilots in this District. I think all the pilots on
22 strength at the present time, for the first year of our,
23 it was a probationary period, we only received 75 per cent
24 of the wages that were paid to the pilots, but we serving
25 now, we were told at the time this 25 per cent, the reason
26 for it is buying into the equipment that the pilots had
27 at that time, such as pilot boats and stations and this
28 25 per cent went into the funds which reverted to the
29 pilots that were on staff.

30 Q. What happened when a pilot retired?



1 Would he sell his share back to the pilots?

2 A. No. There was no monetary transaction.

3 Q. On page 4 you also mention the closing
4 of the station at International Pier in 1954. What was
5 the reason for closing this station?

6 A. The main reason for closing the station,
7 when we had the station at International Pier, we kept
8 two or three pilots who remained at the pier to shift
9 ships around the harbour; also to take ships to sea. By
10 closing down the pier station, they put all the pilots
11 under one roof and thereby made the work load equal to
12 all pilots.

13 It was also for convenience sake. We believed
14 this was a step in the right direction.

15 Q. So I understand that the efficiency of
16 the District has not been affected by the closing of this
17 station at the International Pier?

18 A. It has not, no sir.

19 Q. Now would you briefly describe your
20 district, the Pilotage District of Sydney? You may use a
21 chart and refer to your brief if you want to.

22 MR. JACQUES: Would you point out to us in
23 chart 4315, which is Exhibit No. 385, where you board in-
24 coming ships?

25 THE WITNESS: I would rather have the chart
26 from Diamond. This doesn't take in the fairway buoy.

27 MR. JACQUES: This is chart 4367, Exhibit No.
28 384.

29 THE WITNESS: The majority of our ships are
30 boarded in the vicinity, anywhere from this buoy to this



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A. M. Huntley, dir ex 3517
(Langlois)

1 buoy (indicating).

2 MR. JACQUES: Would you indicate these two buoys
3 with a red circle around each of them? What is the
4 distance between those two buoys?

5 THE WITNESS: Four and a half miles.

6 MR. JACQUES: And what course would you set in-
7 coming?

8 THE WITNESS: 214 true.

9 MR. JACQUES: And what current would you
10 experience coming in?

11 THE WITNESS: We experience currents in and out
12 of this harbour which are mostly average line with the
13 ranges. In other words, there is no cross-current.

14 MR. JACQUES: And what would be the rate of that
15 current?

16 THE WITNESS: We have to assume that it is in
17 the vicinity of two to three knots. There is no indication
18 on the charts as to what it might be.

19 MR. LANGLOIS: What is the range of the tide?

20 THE WITNESS: Four to five feet.

21 MR. JACQUES: What aids to navigation would you
22 have at your disposal coming in on the ranges?

23 THE WITNESS: In foggy weather, we have the fog
24 alarm at Low Point. We have this whistle buoy, and bell-
25 buoy, this fairway buoy.

26 MR. JACQUES: Called Sydney Whistle Buoy?

27 THE WITNESS: Called Sydney Whistle Buoy and
28 this bell-buoy.

29 MR. JACQUES: Off Swivel Point?

30 THE WITNESS: Yes. We also have on the south-



1 east bar, we have a light. Now 1,475 feet from this
2 light there is a fog alarm and we pilots maintain that
3 this fog alarm is situated too far from the turning point.

4 We can't ascertain, with any degree of certainty,
5 where the situation of this fog alarm might be, due to
6 wind, currents, and so on. We can't ascertain that with
7 any certainty and we can't place too much confidence.
8 What we do on occasions, we send the pilot boat ahead to
9 pick up maybe this buoy here (indicating).

10 MR. JACQUES: What do you mean by that?
11 We are using chart 4365 and you referred to a black can
12 off the south-east bar. Would you circle the black can
13 in red please?

14 THE WITNESS: Now that is only done on occasion.
15 Now today, under the present conditions we have the use
16 of radar.

17 MR. JACQUES: And what is the distance from the
18 Swivel Point to the south-east bar?

19 THE WITNESS: That is two and three-quarter
20 miles.

21 MR. JACQUES: Do you have to go in with the
22 tide, or can you go in at any stage of the tide?

23 THE WITNESS: We can go in at any stage of the
24 tide.

25 MR. JACQUES: Would you use radar coming in
26 in thick weather?

27 THE WITNESS: Yes, use it as an aid.

28 MR. JACQUES: And with radar are you able to
29 pick up the south-east bar light?

30 THE WITNESS: With the original radar in good



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A.M. Huntley, dir ex 3519
(Langlois)

1 condition, yes. Incidentally, there is a radar reflector
2 on that light. There is also a radar reflector on the
3 different buoys as well.

4 MR. JACQUES: At the junction of the north-
5 west arm and south arm?

6 THE WITNESS: Yes.

7 MR. LANGLOIS: That would be on the light buoys?

8 THE WITNESS: Yes, the radar reflectors on the
9 light buoys.

10 MR. JACQUES: And when you are at the south-
11 east bar, where do you go then?

12 THE WITNESS: We proceed, depends on the
13 destination of the ships. If she is going to International
14 Piers or she is going up to Sydney, different docks in
15 Sydney, different oil docks.

16 MR. JACQUES: You are referring to south arm?

17 THE WITNESS: Yes. The bulk of our traffic --
18 on occasion we use these wharves here as well (indicating).

19 MR. JACQUES: What wharves are these?

20 THE WITNESS: The C.N.R. wharves and these local
21 smaller wharves.

22 MR. JACQUES: In North Sydney?

23 THE WITNESS: In North Sydney.

24 MR. JACQUES: The majority of the ships that
25 you take in, do they go to Sydney or North Sydney?

26 THE WITNESS: Go to Sydney, the majority.

27 MR. JACQUES: What about large ships, the deep
28 draught vessels, where would they go?

29 THE WITNESS: They would invariably go to
30 Dosco piers.



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A.M. Huntley, dir ex 3520
(Langlois)

1 MR. JACQUES: Between the Swivel Point and
2 south-east bar are there any peculiar navigational hazards
3 or difficulties or dangers which you would like to point
4 out?

5 THE WITNESS: I wouldn't say so.

6 MR. JACQUES: Would you use an echo sounder
7 coming in?

8 THE WITNESS: On occasion. There is one bad
9 feature of an echo sounder in this harbour. You cannot
10 ascertain, if you come in blind, which side of the harbour
11 you have picked up the soundings because the soundings on
12 both sides of the harbour are so much alike that you could
13 be on one side or the other, if you are depending on
14 soundings alone.

15 The soundings could be on both sides of the
16 harbour in like fashion.

17 MR. JACQUES: And you have to either pick up
18 your fairway buoy or headland of some sort to know where
19 you are?

20 THE WITNESS: That is correct and also our
21 experience as pilots here, the coal mine on Point ---

22 MR. JACQUES: Which point?

23 THE WITNESS: Swivel Point. When these coal
24 mines are operating on calm nights or days, as the matter
25 may be, they have the steam of the hoisting engine.
26 Now this emission of steam, you can ascertain when you
27 make the beam. We use that as a guide. That will be one
28 guide. Also there is coming along, we will say in the
29 vicinity of from Sydney mines, when a car is on the highway
30 -- the highway leads down to practically the water's edge,



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A. M. Huntley, dir ex 3521
(Langlois)

1 so cars during foggy weather might be blowing their horn.
2 Consequently this is another aid that we might use as
3 well. These car horns here. We know we are in the
4 vicinity of that position (indicating).

5 MR. LANGLOIS: Any sea-gulls that could be used
6 on the south-east bar?

7 THE WITNESS: Plenty of them there.

8 MR. JACQUES: When you come around the south-
9 east bar do you have any difficulties coming around this
10 point?

11 THE WITNESS: No. Well, as I say, when we
12 turn around this south-east bar, we have to ascertain
13 with a good degree of certainty our position in order to
14 get a departure up the harbour.

15 MR. JACQUES: What would the currents be like
16 at that turn?

17 THE WITNESS: Mostly in a flow to the north.

18 MR. JACQUES: Coming around the bend also in the
19 same direction as your ship?

20 THE WITNESS: Well it would be, yes. The right
21 angles to the ship at the point.

22 MR. JACQUES: Are there any special precautions
23 which you must take coming around that bend?

24 THE WITNESS: We must keep a good steerage
25 way and make sure that we are not -- that the current
26 wouldn't take us over -- with certain ships, that the
27 current wouldn't set us down on the sand.

28 MR. JACQUES: On the north-west bar?

29 THE WITNESS: On the north-west bar.

30 MR. JACQUES: How far is it from the south-east



1 bar to the furthestmost point where you would come in
2 Sydney?

3 THE WITNESS: We come right up here the
4 distance of about Sydney River docks, about seven and a
5 half miles.

6 MR. JACQUES: And what sort of ships would you
7 take to Sydney River docks?

8 THE WITNESS: Oil tankers of the size no larger
9 than 250, 260 feet and no greater than 20 feet.

10 MR. LANGLOIS: Would you please mark an X in
11 red, the Sydney dock.

12 MR. JACQUES: Now what current would you ex-
13 perience in the harbour, if any?

14 THE WITNESS: We do experience a current that
15 comes down from Sydney River but that is one item that is
16 not specified in any of the sailing directions or the
17 charts, the current velocity. It is not mentioned. We
18 have to assume a certain -- we don't know, we just take ---

19 MR. JACQUES: You just take a good guess?

20 THE WITNESS: That is just about the size of it.

21 MR. JACQUES: Have you a freshet season with this
22 river?

23 THE WITNESS: In the spring. Just the run-off
24 of snow.

25 MR. JACQUES: Would it impede navigation?

26 THE WITNESS: Freshets? No.

27 MR. JACQUES: Coming along side the various
28 wharves in Sydney, tell us whether you have any peculiar
29 difficulties or do you encounter any peculiar danger in
30 coming alongside?



1 THE WITNESS: Well we haven't got too much
2 assistance. This number 2 steel pier ---

3 MR. JACQUES: Circle it in red please.

4 THE WITNESS: International Pier, we experience
5 quite a set-to, probably, the vicinity of two ship lengths
6 off this pier.

7 MR. JACQUES: What is the direction of that
8 set?

9 THE WITNESS: Direction straight out the harbour.
10 It would be in a northerly direction. We find that with
11 a deep draught ship off this number 2 steel pier, the
12 ship just moves bodily and is quite noticeable. Therefore,
13 we have to counteract that by lining the ship up a little
14 bit more to the south.

15 MR. LANGLOIS: Is this an undertow?

16 THE WITNESS: We find it is more an under-
17 current.

18 MR. JACQUES: Have you made any survey of this
19 current?

20 THE WITNESS: No scientific survey, no.

21 MR. JACQUES: How have you ascertained it was
22 an undertow?

23 THE WITNESS: By watching the surface of the
24 water. If there is any floating objects, we have had
25 the pilots perhaps on the steel pier when the ship is
26 docking, and they have observed that these objects on the
27 surface of the water are practically stationary, whereas,
28 the ship you would notice would be moving bodily.

29 Therefore, we assumed that it is an underwater current.

30 MR. JACQUES: Now what about the other piers,



1 would you encounter any special difficulties in that area?

2 THE WITNESS: Not so much current, no. Mostly
3 wind. Now with these piers largely built a number of
4 years ago, I would say there are a number of obstructions.

5 What I mean by that is that these coal loading
6 chutes are not perpendicular to the edge of the dock.

7 MR. JACQUES: They overhang?

8 THE WITNESS: They overhang. It is the same
9 with the ore pier. It is also the same with the steel
10 pier, they overhang about three or four feet. Normally
11 with a light ship, these chutes, the overhanging chutes,
12 overhanging loading piers, they are very liable to foul
13 any of the superstructure of the ship.

14 MR. JACQUES: Has it happened?

15 THE WITNESS: It has happened, yes.

16 MR. JACQUES: Quite frequently?

17 THE WITNESS: Well depending on conditions
18 of the water.

19 MR. JACQUES: How many times last year, to the
20 best of your knowledge?

21 THE WITNESS: I wouldn't be prepared to say.
22 We have one ship that requires assistance with it if the
23 wind is any ways approaching from the north or easterly
24 direction, she has to be assisted from that berth on all
25 occasions.

26 MR. LANGLOIS: How far would you have to take
27 your ship before you get clear of these overhanging
28 obstructions?

29 THE WITNESS: With the ore pier actually maybe
30 five, six feet and with the coal loading pier -- the steel



1 pier about four feet. On the coal loading pier a matter
2 of perhaps a couple of feet, eighteen inches.

3 MR. LANGLOIS: I understand that your ships
4 have to be taken sideways and out the same way?

5 THE WITNESS: On occasion from the ore pier.
6 The type of ship that the Dosco are using having increased
7 both in size and draught over the last number of years,
8 creates a greater hazard to handling the ships around these
9 docks.

10 MR. JACQUES: What would be the prevailing
11 winds in Sydney?

12 THE WITNESS: Depending on the season of the
13 year. In the summer season the prevailing winds are
14 south-west. During the winter season, the fall of the year
15 when we get the heavier winds, they are north-west.

16 MR. JACQUES: Which one would be dangerous
17 to shipping?

18 THE WITNESS: There again it depends. With
19 the south-west wind coming into the south side of your
20 coal pier, it would be more of a danger. On the other
21 hand, no matter how strong the wind might be, it creates
22 a hazard.

23 MR. JACQUES: How strong would the wind have
24 to be before you say that you should not dock a ship?

25 THE WITNESS: That is rather difficult.

26 MR. JACQUES: The majority of the ships that
27 you take in the International Pier...

28 THE WITNESS: It depends on the individual
29 pilot. Some pilots may...

30 MR. JACQUES: All right, what about you, it



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A.M. Huntley, dir ex 3526
(Langlois)

1 would have to be winds of 20 knots?

2 THE WITNESS: 20 knots, 30 knots, that is child's
3 play.

4 MR. JACQUES: That is child's play.

5 THE WITNESS: I used the loose term. Twenty or
6 30, very frequently we have that wind.

7 MR. JACQUES: It wouldn't prevent you from
8 taking a ship alongside?

9 THE WITNESS: No.

10 MR. JACQUES: How long does it take you to go
11 from Swivel to boarding point?

12 THE WITNESS: Approximately three-quarters of
13 an hour. Some of these ships that are local traders, we
14 may go out and board them in about half an hour. Ships
15 who are strangers request a pilot at the fairway, they
16 come to the fairway and don't come any closer and con-
17 sequently it takes us about an hour from the pilot station
18 to get aboard a ship.

19 MR. JACQUES: Do you find that you wait outside
20 for the ship to come in?

21 THE WITNESS: We do on occasions.

22 MR. JACQUES: Is that very frequent?

23 THE WITNESS: Well, many strange ships -- it
24 depends on the E.T.A. -- some ships send very accurate
25 E.T.A.'s. Some other ships are not so accurate.

26 MR. JACQUES: In the majority of ships would you
27 wait outside?

28 THE WITNESS: We would.

29 MR. JACQUES: In the majority of cases does it
30 happen you have to wait outside?



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A.M. Huntley, dir ex 3527
(Langlois)

1 THE WITNESS: Oh yes -- you mean if we get
2 an E.T.A.?

3 MR. JACQUES: Do you think the traffic is on
4 time?

5 THE WITNESS: Well, it is not too serious a
6 problem, let us put it that way, the time of the E.T.A.,
7 is that what you mean?

8 Q. Does it occur that you may go out and
9 there is not even a ship there?

10 A. It happens occasionally, yes.

11 MR. JACQUES: How often does it happen?

12 THE WITNESS: I wouldn't be prepared to say.
13 I would be safe in assuming it may happen two or three
14 times a month.

15 MR. JACQUES: Two or three times a month that
16 a ship isn't there when you get in position?

17 THE WITNESS: That is right.

18 MR. JACQUES: How long does it take you to
19 take a ship inside or to the International Pier?

20 A. That includes docking the ship as well?

21 MR. JACQUES: Yes, docking the ship.

22 THE WITNESS: Depending on the speed of the
23 ship and the type of the ship, whether she is loaded
24 or light, you could say anywhere from around an hour
25 and a half.

26 MR. JACQUES: An hour and a half from the time
27 you board till you are fast?

28 THE WITNESS: That is under normal conditions.

29 MR. JACQUES: What about these other docks or
30 piers in the area, say Sydney River pier, how long would



1 it take you to go up there?

2 THE WITNESS: We would have to put another half
3 hour on that time, an hour and three-quarters to two hours.

4 MR. JACQUES: Would that be the longest job that
5 you have?

6 THE WITNESS: Under normal conditions -- we have
7 conditions that perhaps wouldn't be normal with some types
8 of ships, oh I would say from two to two and a half hours.

9 MR. JACQUES: What about North Sydney, do you
10 ever take ships to North Sydney?

11 THE WITNESS: We do, yes.

12 MR. JACQUES: Can you give us an idea of the
13 number of ships that go there?

14 THE WITNESS: I would have to get that from the
15 records. That varies from year to year with the ships that
16 -- at one time there used to be coal ships from here and
17 we had considerable at that time. At the present time
18 most of our traffic that we are requested to service are
19 ships that might be on charter to the C.N.R., and also
20 some fishing trawlers.

21 THE CHAIRMAN: I understand the coal pier has
22 been demolished?

23 THE WITNESS: It has been demolished.

24 MR. JACQUES: How long does it take you to take
25 a ship from boarding point to North Sydney?

26 THE WITNESS: Three-quarters of an hour.

27 MR. JACQUES: Do they ever go up further, the
28 west arm?

29 THE WITNESS: We do on occasion. That area
30 in this vicinity is used as a ballast dumping ground.



1 MR. JACQUES: Indicate it on the chart.

2 THE WITNESS: We had considerable traffic up
3 there during the war years and two or three years after the
4 war when these ships would be coming in from the U.K.
5 with some ballast and they were taken up there to dump the
6 ballast. Over the last few years our traffic up there
7 has been practically nil.

8 MR. JACQUES: What about movages in the
9 Harbour, where would the majority of your movages be?

10 THE WITNESS: From anchor to the berth.

11 MR. JACQUES: From anchor to the berth. Where
12 is your anchorage for Sydney?

13 THE WITNESS: The bulk of our ships are anchored
14 anywheres along this line here.

15 MR. JACQUES: You are drawing a red line, be-
16 tween these two red lines. Would you draw an anchor to
17 indicate anchorage. That is the majority of movages?

18 THE WITNESS: That constitutes the majority of
19 our movages.

20 MR. JACQUES: How long would it take you to
21 move a vessel from anchor to a pier in Sydney?

22 THE WITNESS: Depending on the actual moving
23 of the ship from anchorage to tying up, depending on wind
24 conditions and type of ship, you may be anywheres from,
25 perhaps an hour and a half to an hour.

26 MR. JACQUES: Thank you.

27 Q.. Well, would you tell the Commission as to
28 whether or not your Naval Base is still active here?

29 A. It is still active.

30 COMMISSIONER SMITH: How active is it?



1 THE WITNESS: Pardon?

2 COMMISSIONER SMITH: Just how active is it?

3 What are they doing? What does the activity amount to?

4 What is it?

5 THE WITNESS: This Naval Base, I believe to be
6 more of a storage base. I understand there is Naval
7 stores and things of that nature. That is the main purpose.
8 They also have storage tanks there and fuel tanks.

9 COMMISSIONER SMITH: There is considerable
10 movement in and out?

11 THE WITNESS: Not too much.

12 Q. Do you have any Naval ships?

13 A. The Navy ships that come here are mostly
14 for repair or refit, and also moth-balls-- some are there
15 for storage, moth-ball storage.

16 Q. Since Sydney was a Naval Base during the
17 war, can you tell the Commission has all the underwater
18 defence installations which were put there during the war
19 been removed now?

20 A. They have all been removed to the best of
21 our knowledge.

22 Q. Is there not a difference of opinion between
23 the local pilots and the Pilotage Authority as to the
24 description of limits of their Pilotage District?

25 A. Yes, there is.

26 Q. Would you explain to the Commission what
27 this difference of opinion is?

28 A. If I may read, limits of the Pilotage
29 District extend six miles seaward from a line from Swivel
30 Point to McGillivray Point. The difference of opinion is is



1 that limit straight out or does it extend six miles in
2 this direction (indicating), does it include all the waters
3 or just in line from Swivel Point out, Swivel Point to
4 McGillivray, six miles?

5 Q. Have you been able to get some enlightenment
6 from Ottawa on this?

7 A. Nothing concrete.

8
9 ---OFF THE RECORD DISCUSSION

10
11 MR. LANGLOIS: We will leave that.

12 Q. Now, how often are the berths in the Sydney
13 Harbour dredged?

14 THE CHAIRMAN: Before we go any further is
15 there much importance about that question of the border-
16 line of the District? Is it very important?

17 MR. LANGLOIS: It is not too important, but the
18 pilots would like to know what it is.

19 THE CHAIRMAN: There is no practical problem
20 as far as it is concerned. If they go beyond that, they
21 may be forbidden to go there, but they have the best excuse
22 for the defence lawyers.

23 Q. How often is dredging done in the Harbour
24 of Sydney?

25 A. Not too often, not as often as we would
26 like to see it carried out. These docks here (indicating)
27 there is considerable silting.

28 Q. Which docks?

29 A. The ore pier, all the docks at Dosco.

30 Q. Would you please name them?



1 A. Number 3 coal pier, number 1 steel pier,
2 number 2 steel pier.

3 COMMISSIONER SMITH: I presume the Department
4 of Public Works does this dredging? Maybe I am presuming
5 too much.

6 A. They do on occasion, but I understand --
7 I am not too clear on this myself. I shouldn't probably
8 discuss Dosco's business. I think it is done by tender.

9 COMMISSIONER SMITH: What I want to find out
10 was in some places the Department pays part of the cost
11 for dredging and other places it ranges from 70 per cent
12 down to 30 per cent. I was wondering what the policy
13 was here with regard to the payment of the dredging that
14 is required at these berths in the private wharves.

15 THE WITNESS: Well, sir, what I believe it to
16 be, it is 50-50 deal with Dosco. I guess you would
17 have to get that from the Dosco authorities and the
18 Department of Public Works.

19 MR. LANGLOIS:

20 Q. Are you kept informed as to the amount of
21 silting?

22 A. No, sir.

23 Q. Have you ever complained about that?

24 A. We have complained.

25 Q. When?

26 A. We have complained to our own superintendent
27 who in turn has complained to the authorities, Dosco
28 authorities. We find the soundings vary considerably
29 with the soundings shown on these charts around these
30 docks. We have asked our Department to give us soundings



1 bring them up to date. We were told in a letter from
2 Captain Jones, he referred us to Letters to Mariners and
3 then to the charts. We were concerned. There is any-
4 where from five, six feet difference in these docks than
5 the depths shown on the charts.

6 Q. Are your pilot boats equipped with echo
7 sounders?

8 A. No.

9 Q. If they were equipped with echo sounders
10 could you check and obtain this information?

11 A. At times we take soundings with hand lead.

12 Q. Hand lead?

13 A. Yes.

14 Q. Are the pilot boats ...

15 MR. JACQUES: On that type of work would an
16 ordinary echo sounder be satisfactory?

17 THE WITNESS: Well, depending -- these hydrographic
18 boats today, they have a type of echo sounder that is more
19 accurate, but putting an echo sounder on a large ship, I
20 wouldn't place too much accuracy.

21 MR. LANGLOIS:

22 Q. Are your pilot boats equipped with radar?

23 A. The one is.

24 Q. Which one?

25 A. The No. 4.

26 Q. That is the larger one?

27 A. The larger one.

28 Q. Now, what is the state of repair of these
29 private piers?

30 A. Basically they are important issues.
At Dosco there is considerable



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A.M. Huntley, dir ex 3534
(Langlois)

1repairs done to these piers, but they are still old, still
2out of date.

3 Q. What about aids to navigation in the Harbour
4Do you think these aids to navigation are up to date and
5sufficient?

6 A. I might mention too as we have mentioned
7in the brief, the fog alarm at south-east bar and the
8Battery Point ranges. These Battery Point ranges, years
9ago were set up by themselves on a field but during the
10yearsit has been filled up with oil tankers and private
11dwellings that more or less made the usefulness, cut down
12on the usefulness of the Battery Point ranges.

13 Q. Have you from time to time made recommendations
14or requests to Ottawa for improvement in your aids to
15navigation?

16 A. We have brought it to the attention of our
17superintendent on occasion, yes.

18 Q. In your brief, page 5, mention is made
19that a number of wharves in the harbour are not entirely
20suited to the type of ships in use today. Would you like
21to elaborate on that? What do you mean exactly by
22that?

23 A. We refer there to the type of ships --
24these piers were built back in the turn of the century
25and the type of ship that was using these piers at that time,
26they were smaller types of ships, but down through the years
27and especially these last few years the type of ships used
28by Dosco to bring in their ore, they are double the size.
29The type of ships that are used today are mostly 16, 18,000
30dead-weight tons. On the other hand oil tankers we bring



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1 into Dosco, some of them may go as high as 22,000 tons
2 with draughts anywhere from 29 to 31 feet draught.

3 Q. Now, what about the tug service available in
4 this port?

5 A. This is a salvage tug, one tug. We only
6 have one tug in the port. She is not a suitable harbour
7 tug at all by any means. We work in this harbour at
8 great disadvantage due to the type of tug boat that is used.
9 She doesn't manoeuvre very easily and she doesn't have
10 the power commensurate with her size. We have on occasion,
11 on a number of occasions, we have had to dock these large
12 ships without a tug.

13 COMMISSIONER SMITH: Do they have competent
14 operators of them?

15 THE WITNESS: On the tug?

16 COMMISSIONER SMITH: Yes.

17 THE WITNESS: Oh yes, but they are limited to
18 the working conditions of the tug.

19 MR. LANGLOIS:

20 Q. Is it your opinion that the traffic would
21 warrant an additional tug?

22 A. With the type of ships coming
23 in service today, yes.

24 Q. What is the largest ship that you have ever
25 taken into Sydney, size, draught and tonnage?

26 A. Well, we would have to get that from the
27 records but as I stated we often have ships, tankers and
28 some of these ore boats reach 8,000, 82, --, eight thousand,
29 two or three hundred net tons.

30 Q. What would be the draught?



1 A. Thirty feet six, thirty-one -- anywhere
2 between thirty to thirty-one.

3 Q. Are there any ports in the harbour where
4 you would have to wait for high tide to take these big
5 ships in?

6 A. Not the docks that are being used but we
7 find, as I stated, with these docks silting up, we find
8 the ships are grounding on the bottom.

9 Q. Grounding on the bottom?

10 A. Yes.

11 Q. Coming into the harbour would these large
12 vessels feel the bottom?

13 A. No, not coming into the harbour proper.

14 Q. Would you have to reduce speed coming in
15 on account of the ship squatting or going down by the
16 stern?

17 A. No, we don't experience that with the type
18 of ship we have coming here.

19 Q. Even with the large ships?

20 A. Not with the large ships. With the large
21 ships we are not going full speed. That is under loaded
22 conditions.

23 Q. Mention was made of the prevailing wind
24 here in Sydney. You said that they were from the north-
25 west quarter.

26 A. North-west -- the mouth of the harbour --
27 north-east -- that is correct.

28 Q. What is the highest velocity that would be
29 obtained by these prevailing winds?

30 A. Well, we experience -- I mean the usual



1 weather conditions that might be in the area, there are
2 conditions when a pilot ships with wind velocity probably
3 fifty, sixty miles an hour. That is on rare occasions,
4 I will admit.

5 Q. What kind of sea would you get with winds
6 of that velocity?

7 A. From the north-east, quite a high sea,
8 rough high sea.

9 Q. Have you ever experienced difficulty in
10 boarding a vessel portside due to high sea?

11 A. We have experienced difficulty, yes. What
12 we have to do on occasion we have to lead the ship into
13 calmer water.

14 Q. Does that happen very often?

15 A. Not too often.

16 MR. JACQUES: How do you board a ship?

17 THE WITNESS: You mean ---?

18 MR. JACQUES: From your sea station.

19 THE WITNESS: We go out in the pilot boat to
20 the incoming ship.

21 MR. JACQUES: Yes.

22 THE WITNESS: And the pilot ladder is used.

23 We use the pilot ladder. We don't use the accommodation
24 ladder when ships are approaching because it would con-
25 stitute a danger.

26 MR. JACQUES: Are you aware of an incident
27 which happened, I don't know exactly when, during the
28 winter when a pilot had to get off on the ice.

29 THE WITNESS: I am aware of it.

30 MR. JACQUES: You didn't see that?



1 THE WITNESS: No, I didn't see it.

2 MR. LANGLOIS: What about fog conditions? How
3 often do you have fog? As often as in Saint John?

4 THE WITNESS: We don't keep a record of the
5 wind or the fog conditions in this port. Some years we
6 find are much worse for fog conditions than others. Our
7 foggy season may extend anywhere from April up until June,
8 probably the fall of the year when the change from the
9 warmer weather to the colder we get a lot of early morning
10 fog. That dissipates, probably when the sun gets up.
11 As I say we don't keep a record of the amount of fog we
12 do have.

13 Q. Could you get such a record from your local
14 weather office?

15 A. I will try if you so desire.

16 Q. Now, what about winter navigation into your
17 port, do I understand that the ice conditions impede
18 navigation in and out of Sydney during the winter?

19 A. The main ice condition that causes us
20 trouble is drift ice. Our harbour ice-breaker service,
21 we don't experience too much difficulty only around the
22 docks, docking ships. We find with the ice being smashed
23 up and getting in between the ship and the dock we
24 experience considerable difficulty. With the drift ice
25 it is different. We have on occasion, as Commission
26 counsel pointed out, a pilot to get out of the ship, get
27 off on the ice to get aboard the ice-breaker vessel.
28 On another occasion I think a helicopter was used. The
29 reason for that is that our pilot boat is just unable to
30 get through the ice.



1 Q. What additional qualifications would ice
2 conditions in your harbour require for pilots called upon
3 to take ships in and out of Sydney during the winter?

4 A. You mean qualifications for the pilots?
5 We have all been well acquainted with ice conditions, not
6 only since we came on as pilots, but a number of the pilots
7 had previous experience with the ice conditions before
8 they became pilots.

9 Q. During the winter when ice conditions
10 prevail in the harbour are the ships being handled by
11 only one pilot -- or are there two pilots on board?

12 A. No, one pilot.

13 Q. Would ice conditions prevent the entering
14 of ships in the harbour during the winter?

15 A. On occasions, yes. Ships entering this
16 port on occasion, low-powered ships, they require assistance
17 of ice-breakers.

18 Q. Is a tug available in the winter?

19 A. This past winter, no, she was tied up..

20 Q. By the way, is she a steel vessel?

21 A. Steel hull. That is another thing. We
22 don't get any towing boat assistance in the winter with
23 ice. Actually the tug is not too much assistance for
24 docking or undocking. Just on several occasions -- some
25 light ships, the master of the ship refuses to move
26 his ship without assistance of a tow boat. He wants to
27 get -- he is scared of fouling up his propeller or rudder.
28 He wants to get the ship towed away from the dock a
29 short distance before he uses engines.

30 Q. A few minutes ago you told the Commission



1 counsel , you gave Commission counsel your estimate of
2 the duration of a normal job of taking a ship in from the
3 fairway buoy to the dock, International Piers?

4 A. International Piers.

5 Q. Am I to understand that this figure of
6 an hour and a half that you gave was for summer navigation?

7 A. That is for normal conditions.

8 Q. Normal conditions?

9 A. Yes.

10 Q. What would happen in the winter? How long
11 would the job take?

12 A. Depending on conditions. With ice
13 conditions it may take hours. May take five, ten, twelve
14 hours.

15 Q. What is the longest time you have taken
16 to take a ship in from the fairway buoy to International
17 Piers in the winter?

18 A. There have been occasions where the pilot
19 has remained aboard a ship overnight; gave up, probably.
20 Kept at it until a reasonable hour and then put it off
21 until the next morning, until daylight.

22 Q. Am I to understand you are working during
23 daylight hours only?

24 A. No, but there are occasions perhaps the
25 facilities would not be ready at the pier, linesmen
26 would not be available probably, and the ship approaching
27 and coming in the harbour at a slow rate of speed between
28 the master and the pilot, just put it off until the next
29 day.

30 Q. Are there any other particular navigational



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1 problems you would like to state at this time?

2 A. No. I don't think any more than has been
3 stated.

4 Q. That is all my lord.

5 THE CHAIRMAN: We will adjourn now until to-
6 morrow morning at ten o'clock at the same place.

7

8

9

10 -----ADJOURNED

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

NORTH SYDNEY
NOVA SCOTIA

VOLUME No.:

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DATE:

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Council Chambers, North
Sydney, Nova Scotia on the 4th
day of June, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Q. C.

Mr. Leopold Langlois, Q. C.	for the Canadian Merchant Service Guild and for the Pilots' Committee and for the Pilotage Districts of Sydney and Bras D'Or.
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Also Present:

Capt. J. S. Scott, Technical Advisor
to the Commission



INDEX TO WITNESSES

PAGE NO.

HUNTLEY, Alexander MacKenzie

Direct examination by Mr. Langlois 3543

HUNTLEY, Claude

Direct examination by Mr. Jacques 3550

Cross-examination by Mr. Duncan 3555

Statement by Mr. Charles R. Lorway 3555

PARKER, John P.

Cross-examination by Mr. Duncan 3559

WALLACE, Dickson Carlisle

Direct examination by Mr. Duncan 3565

Cross-examination by Mr. Jacques 3569

Re-examination by Mr. Duncan 3598

RYAN, Captain David F.

Direct examination by Mr. Langlois 3603

Cross examination by Mr. Earl Johnson 3631

LORWAY, Charles R.

Direct examination by Mr. Langlois 3634

Cross-examination by Mr. Jacques 3640

Re-direct examination by Mr. Langlois 3643

CAMPBELL, Daniel John

Direct examination by Mr. Langlois 3645

Cross-examination by Mr. Jacques 3669



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INDEX TO EXHIBITS

<u>NO.</u>		<u>PAGE NO.</u>
402	Canadian National Railway Brief.	3559
403	Breakdown showing total pilotage paid by Canadian National and the amounts payable in respect to the WILLIAM CARSON and the S. S. CABOT STRAIT	3567
404	Canadian Merchant Service Guild Constitution, Rules and Regulations.	3619
405	Schedule of Port Charges and Fees.	3638
406	Brief submitted by the Pilots of the Pilotage District of Bras D'Or Lake.	3645



Tuesday, June 4th, 1963 3543

1 ---UPON COMMENCING AT 10:00 A.M.

2 MR. JACQUES: Before we resume the cross-examin-
3 ation of Captain Huntley, my lord, I should like to draw
4 the Commission's attention to P.C. 1955/1855, which is
5 revoked, and replaced by the General By-Law of Sydney
6 which is P.C. for 1955 which defined the District as
7 follows: In Section 2, sub-section (e) District means the
8 pilotage District of Sydney Nova Scotia which comprises
9 the navigable waters inside a line drawn from Swivel
10 Point to McGillvray Point and the waters six miles from
11 seaward of such line.

12 This definition has been replaced by the follow-
13 ing one in the present by-laws, in Section 2 sub-section
14 (e) District means: Pilotage District of Sydney, Nova
15 Scotia, as defined by the Governor in Council pursuant
16 to Section 324 of the Act.

17 As soon as we get back to Ottawa my lord we
18 will search the Gazette in order to find out if the
19 Governor General in Council has set the District limits
20 in another Order in Council.

21 THE CHAIRMAN: Yes. There is no description,
22 from what you have seen there. The previous one has been
23 abolished.

24 MR. JACQUES: Quite right.

25

26 ALEXANDER MacKENZIE HUNTLEY, continued

27

DIRECT EXAMINATION BY MR. LAGNLOIS, continued

29 Q. Captain Huntley before the Commission
30 adjourned last evening, you were asked to describe partic-



1 ular navigational problems of your District. Would you
2 have, in your possession, a weather report establishing
3 the average velocity of wind and fog conditions in your
4 District?

5 A. I don't have them at the present time,
6 but I made a request from the meterological office at
7 the airport for the fog, the days of fog for the past
8 year and also the days in which the wind velocity exceeded
9 20 knots, and I expect that we will have it by tomorrow.

10 Q. With the Commission's permission, this
11 could be filed then.

12 THE CHAIRMAN: All right.

13 Q. Now I come to the paragraph of your
14 brief on page 6 dealing with the pilot station. Would you
15 briefly describe how dispatching from your station is
16 carried out?

17 A. I wish to concur with the way our dis-
18 patching is carried out, with the manner in which Captain
19 Parker stated it yesterday. We maintain a group of pilots
20 at the station on duty continuously for one week, and the
21 other group of six -- incidentally, six are on duty at
22 one time, and the other group of six are on standby duty.

23 These pilots on duty, we generally have a habit
24 of the pilot on turn, that is the first pilot to go to the
25 next duty job, he answers the phone. He does the dis-
26 patching and taking any or all telephone calls as they
27 may be received.

28 THE CHAIRMAN: What would be those telephone
29 calls?

30 THE WITNESS: They are mostly E.T.A.'s for ships



1 arriving. We also get telephone calls from the ship agents,
2 both in the local port here and also we get telephone
3 calls on occasion from as far away as Montreal, New York,
4 Quebec.

5 THE CHAIRMAN: What about?

6 THE WITNESS: Well harbour conditions and
7 questions concerning the docks, depth of water and the
8 feasibility of sending certain types of ships to the port.

9 We also get a number of calls for ships arriving
10 in the port. A lot of these local ships.

11 THE CHAIRMAN: The agents will call you for
12 information. Everybody will call you for information I
13 suppose?

14 THE WITNESS: That is correct sir.

15 Q. Do any of the telephone calls have to do
16 with the movement of ships in the harbour?

17 A. They do. They concern the movement of
18 ships, shifting of ships and a ship that may be required
19 to be shifted for any reason, such as to be discharged,
20 after completing discharge may have to be put to anchor;
21 made ready for sea. The agent gives the orders, to
22 correspond with the order.

23 Q. Is there any control of traffic carried
24 out in this harbour, and if so, by whom?

25 A. Most of the traffic movement in this harbour
26 is carried out by the pilots. We do get, on occasion,
27 but it is very seldom we get orders from the Harbour
28 Master. It's a rare occasion.

29 THE CHAIRMAN: In what case would the Harbour
30 Master enter into the picture?



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(Langlois)

1 THE WITNESS: About the only time if a ship
2 comes in probably in a damaged condition, the agent may
3 give us the order to perhaps anchor the ship. Later on
4 the Harbour Master, on occasion, calls up and he allocates
5 a dock, a berth for that ship. That is about the only
6 occasion that the Harbour Master really informs us about
7 anything.

8 Q. You just mentioned the ships being taken
9 in in damaged condition. Am I to understand to some extent
10 your harbour is used as a port of refuge for crippled or
11 disabled ships?

12 A. It has been used many times for disabled
13 ships, yes.

14 Q. Now yesterday mention was made --

15 THE CHAIRMAN: About this dispatching, I have
16 a few questions. I better put them right now. The pilot
17 when he is on duty, he is going to be the next on turn,
18 so he answers all the phone calls and he receives E.T.A.s..
19 Let us say he received two or three E.T.A.s. at a time.
20 What is he going to do?

21 THE WITNESS: Well there are sufficient pilots
22 at the station to look after these incoming calls, or
23 incoming ships and if there are not sufficient pilots at
24 the station, it is the duty of that pilot to warn sufficient
25 pilots to be there to look after the traffic.

26 THE CHAIRMAN: I suppose that when he leaves,
27 he has to see that somebody is there to replace him?

28 THE WITNESS: Yes. In the daytime there is
29 generally somebody about, but in the nighttime we always
30 call the next man and we put the telephone by his bed and



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1 we always wake him up and tell him, all right, you are
2 next on turn.

3 Q. Yesterday some mention was made of the
4 building, the ownership of the building housing the pilot
5 station. Would you mind telling the Commission how it
6 came about that the pilots had to buy this building? Would
7 you explain this situation? I have your part of the pilots'
8 file, if you want to consult the file of these documents
9 to refresh your memory, you are free to do so.

10 A. As I mentioned yesterday, the building that
11 the pilots now occupy was a building that was constructed
12 during wartime, and after the war ended, we, the pilots,
13 desired to buy this building when it was placed on sale by
14 the War Assets.

15 In the early correspondence, we received a
16 telegram in answer from the acting director of Marine
17 Service:

18 "Please advise by wire if pilots agreeable purch-
19 "ase building now occupied Swivel Point for
20 "approximately \$600.00." That telegram was
21 dated April 3rd, and this letter of May 21st 1946 in which
22 the acting director of Marine Services said:

23 "I refer to your telegram of the 3rd of April
24 "in which you advise that the pilots were
25 "agreeable to the purchase of the building now
26 "occupied by them at Swivel Point at a cost
27 "of \$600.00. The Department has now been
28 "advised by the War Assets Corporation that the
29 "listed price of \$600.00 given at an early date
30 "was for the building without plumbing, electrical



1 "work, et cetera and that the price, including
2 "these would be \$757.44.

3 "Please advise by wire if the higher price
4 "would be agreeable to the pilots and if the
5 "amount will be paid out of pilotage earnings."

6 Well there wasn't much more we could do but
7 agree. The Department in Ottawa went ahead and just paid
8 that amount.

9 MR. JACQUES: In connection with this my lord,
10 I should like to read into the record a letter dated the
11 14th of July 1950 from the director of the Marine Service
12 addressed to the Superintendent of Pilots here in Sydney
13 and the letter reads as follows:

14 "By Order in Council PC 244/6388 of the 22nd
15 "of December 1949, the Department has authorized
16 "to advance to Sydney pilots the sum of \$5,000.00,
17 "which monies were to be used to remove and
18 "rebuild the pilotage station at the Indian Beach.
19 "An amount of \$4,779.00 was actually spent on this
20 "work. The Department has now decided not to
21 "recover the amount actually advanced and an
22 "amount was recently voted by Parliament for this
23 "purpose. Would you please advise the Pilots'
24 "Committee accordingly."

25 Q. You just said Captain Huntley that you had
26 no choice but to accept. Do you mean that you were against
27 the purchase of this building?

28 A. Oh no. We were in agreement with the purch-
29 ase of the building, but what we are implying is that
30 things were done by the Department without, you might say



2 1 our sanction. After agreeing to a price of \$600.00, they
3 came back and stated that after looking the thing over the
4 price would be \$757.44.

5 Q. And this amount was paid by the Department?

6 A. This amount was paid by the Department, yes.

7 Q. How come you became owners of the building
8 if the amount was paid by the Department?

9 A. If I may, could I let that ride until I
10 get --

11 Q. I will rephrase my question this way:
12 Was this money paid by the Department for the building
13 in any way charged to the pilots?

14 A. It was taken out of our general funds.

15 Q. It was taken out of your general funds?

16 A. Yes.

17 Q. In fact you paid for the building?

18 A. We paid for the building, that is correct.

19 Q. Now I come to the paragraph dealing with
20 pilot boats, on pages 6 and 7 of your brief.

21 THE CHAIRMAN: Do I understand that you received
22 this telegram or letter you were just reading before,
23 suggesting that you purchase that, and did you answer that
24 in the affirmative?

25 THE WITNESS: We agreed to that \$600.00.

26 THE CHAIRMAN: You agreed?

27 THE WITNESS: Yes.

28 THE CHAIRMAN: But the price was not fixed
29 exactly?

30 THE WITNESS: Well we believed it to be \$600.00.

THE CHAIRMAN: And the first thing you knew you



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A.M. Huntley, cr.ex. 3550
(Langlois)

1 were informed that the Department of Transport had purch-
2 ased, as your agent, the building for \$757.44?

3 THE WITNESS: Yes.

4 COMMISSIONER SMITH: Was this before or after
5 the Audette Report?

6 THE WITNESS: That would be before the Audette
7 Report.

8 Q. Now in connection with the pilot boats,
9 you stated that the pilots boats, the number four is
10 equipped with radar and radio telephone. What about pilot
11 boat number three?

12 A. She has radio telephone but not radar.

13 Q. What type of radio telephone?

14 A. V.H.F.

15 Q. Has she got F.M. also?

16 A. No.

17 Q. Could the vessels be supplied with
18 additional equipment?

19 A. They could be, yes.

20

21 (Witness collapses.)

22

23 ---SHORT RECESS.

24 ---FOLLOWING SHORT RECESS.

25

26 CLAUDE HUNTLEY, Sworn

27

28 EXAMINATION BY MR. JACQUES:

29 Q. At my request, have you prepared a statement
30 of the expenses of maintaining the station, and also your



1 office here in Sydney?

2 A. Right.

3 Q. Would you give these figures please?

4 A. Well now the staff salary for the year

5 1962 was \$14,910.00. Our other office expenses, in regards

6 to stationery are paid from Ottawa. We have no record.

7 Station expenses amounted to \$1,751.59.

8 Q. Have you got the breakdown of the station
9 expenses?

10 A. Yes. Lights for boats and station combined
11 amounted to \$378.74. Laundry, that is for boats and
12 station combined is \$267.83. Coal \$194.70. Char service
13 \$260.00. Telephone \$150.90. Repairs \$312.87. Supplies
14 \$186.55.

15 Q. That makes a total of how much?

16 A. \$1,751.59.

17 Q. Have you also prepared the information
18 requested on ships over and under 1,000 tons using or
19 not using pilots?

20 A. Yes.

21 Q. Would you give that statement to the
22 Commission?

23 A. The number of turns for ships under 1,000
24 tons which did not take a pilot but paid was 153 turns.

25 Q. Were they Canadian registry or British
26 registry or Foreign registry?

27 A. These would be foreign registry ships. The
28 number of turns for ships over 1,000 tons which did not take
29 a pilot but paid 676 turns.

30 Q. Would that include the C.N.R. vessels?



1 A. That would include the C.N.R. vessels
2 over 1,000 tons. The number of turns for ships under
3 1,000 tons which took a pilot was 337 turns.

4 Q. Now as regards this last item, are you
5 able to tell the Commission the flag of these ships below
6 1,000 tons which took pilots?

7 A. In the majority of the cases, I would say
8 over 90 per cent would be British registry ships.

9 Q. Now have you also prepared a statement on
10 the dues paid by C.N.R. ships?

11 A. This statement of C.N.R. ships who are
12 subject to pilotage but did not use the service of a pilot.
13 There were 670 turns, and these were the WILLIAM CARSON
14 576 turns, CABOT STRAIT 94 turns.

15 Q. And that was a total of how much?

16 A. That was a total amount of \$40,726.72.

17 Q. These last figures which you gave, as
18 regards station expenses and data on ships over and above
19 1,000 tons, and C.N.R. ships, to what year would they
20 apply?

21 A. They would apply to the year 1962.

22 Q. Now sir are you able to explain to the
23 Commission the benefits which accrue to a pilot upon
24 retirement, and if you could give an example, a concrete
25 example of such a case?

26 A. Yes. We have pilot J.C. Guthrow who
27 retired in 1961. Now he became a pilot, his service
28 commenced in June of 1940 and for the years 1940 to 1955
29 he was paid at the rate of \$75.00 for each year of service.
30 Now for the years 1955 to 1958 he was paid \$105.00 for each



1 year of active service. For the year 1958 to 1959, \$146.00.
2 For the year 1959/60, \$176.40. April 1st 1960 to December
3 31st 1960, \$135.00. In other words, from June 10th 1940
4 to December 31st 1960 his pension amounted to \$1,882.00.

5 COMMISSIONER SMITH: And all over the period
6 of his pilotage service, the 16 per cent deduction was
7 made and put into the fund. Is that correct?

8 THE WITNESS: The 16 per cent, I think, came into
9 effect approximately 1960 -- I am not quite sure on the
10 year.

11 COMMISSIONER SMITH: But before that, whatever
12 the percentage was, that deduction was made and put into
13 the pension fund?

14 THE WITNESS: That is right, yes. The deduction
15 was made from gross collections and placed to the pension
16 fund.

17 Q. Would you explain the reason for the
18 figures varying from year to year on the benefits granted
19 for years of service?

20 A. In those particular years \$146.00, or \$176.00,
21 the collections were quite high and the amount of collection
22 needed to pay \$75.00 for each man were over and above what
23 was actually needed to carry out the \$75.00 amount.

24 Q. And who fixed the amount?

25 A. It's fixed by the actuarial branch in
26 Ottawa.

27 Q. Have you any correspondence from that
28 branch in your file?

29 A. Yes.

30 Q. Would you bring it with you please?



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(Jacques)

1 Are you able to state to the Commission how the yearly
2 amount is figured for each year?

3 A. Yes. We have a copy of a letter September
4 27th 1962 from Captain D. R. Jones, Superintendent of
5 Pilotage. The contents are:

6 "We wish to inform you that pursuant to Section
7 "37(1) of the by-laws of your District, the
8 "amount of contributions required to provide
9 "all pilots with \$1.00 benefit is \$142.003.
10 "Based on receipts of \$21,692.40 this amounts
11 "\$153.00 for all pilots who are active during
12 "the entire 1961 calendar year and \$89.00 for
13 "pilot Guthrow who retired in July 1961."

14 Q. If I understand this correctly, it would
15 mean that every year they purchase, as it were, with the
16 amount collected for pension, a pension. One dollar's
17 worth of pension?

18 A. Yes, that is right. That is what I am
19 led to believe.

20 THE CHAIRMAN: \$1.00 a year?

21 MR. JACQUES: \$1.00 a year's worth of pension.

22 3/RPS Q. Are you able to say how the deductions
23 for pensions have varied throughout the years in your
24 District?

25 A. Which way?

26 Q. Has the percentage deducted always been
27 16 per cent?

28 A. No. From 1932 to March 31st, 1951 the
29 rate of deduction was 10 per cent and from 1951 to 1954
30 the rate was 7 per cent and from August 1st, 1954 to the



1 present time it is 16 per cent.

2 MR. JACQUES: 16 per cent. Thank you, sir.

3 Your witness.

4 MR. LANGLOIS: No questions.

5 MR. DUNCAN: I have a couple of questions.

6
7 CROSS-EXAMINATION BY MR. DUNCAN:

8 Q. Mr. Huntley, do you have the figures
9 here received from the Canadian National Railways for
10 the period 1962 month by month?

11 A. I have in the office.

12 Q. You don't have them here?

13 A. Not here in the office.

14 MR. JACQUES: Is the Commission satisfied with
15 the example given of that one pension?

16 COMMISSIONER SMITH: Yes, I am satisfied.

17 MR. JACQUES: Thank you very much. Mr. Lorway,
18 would you like to address the Commission now?

19 MR. LORWAY: My lord and gentlemen . . .

20 MR. JACQUES: Would you state your full name?

21 MR. LORWAY: My name is Charles R. Lorway of
22 Sydney. I am here, you might say, in a dual capacity,
23 as chairman of the Transportation Committee of the Civic
24 Board of Trade and secondly in my own capacity as steamship
25 agent for the Port of Sydney and member of the firm
26 Charles R. Lorway and Sons Limited. I might say, my lord the
27 Sydney Board of Trade is interested mainly in maintaining
28 and increasing the business of the Port which is quite
29 normal for any Board of Trade. For this reason we feel
30 ships must be able to enter port and leave port safely.



1 and secondly with normal expediency and without undue
2 delay and thirdly reasonably in comparison with other ports
3 on the Atlantic coast.

4 As steamship agent I am interested in exactly
5 the same thing in that I am representing the owners of
6 the vessels and my purpose is really business, and business
7 is also the purpose of the Sydney Board of Trade. We are
8 completely behind the pilots in their request for something
9 to be done about the fog horn and the range lights along
10 the upper harbour, which is Sydney harbour, the harbour
11 I am mostly active in. We feel it has to do with the saf-
12 ety of the port.

13 One thing that concerns us now is the advent
14 of the larger vessels of the over 20,000 tons with their
15 significant and deeper draughts. We feel that the pilots
16 have taken soundings and they should be in the position
17 to do so in order to advise the depths of the water at the
18 various piers where these ships are berthing. These ships
19 are beginning to draw over 30 feet now, my lord and
20 gentlemen. We could do damage to the ships' bottoms trying
21 to bring a loaded ship into a pier slightly under that.
22 Regarding the pilots we find, and I find as ship agent
23 that the pilots in this harbour have always been prompt,
24 extremely efficient and most co-operative. We have found
25 them always willing to co-operate with us in any task
26 that may be a little out of the ordinary and they do it
27 with a will. I think you should bear in mind, and the
28 evidence is already before you, as to the dangerous
29 nature of some of the ports and the pilots boarding a
30 vessel at the Fairway with a bit of sea running.



1 I would like to impress upon you the fact that the
2 qualifications must be maintained at a very high standard.
3 They must have almost a higher degree of skill than the
4 ordinary masters. I would say from this point of view
5 the master who has been with a ship three or four years
6 pretty well knows what his ship will do whereas your
7 pilots are boarding everything from 75 ton trawlers that
8 will spin around on a dime to 25,000 ton tankers or
9 cargo vessels that take half the harbour. They have to
10 know how all these ships and everything in between is
11 going to react, especially when they are docking because
12 they could damage one of the wharves over at Dosco and
13 put the wharf out of commission, put part of the coal
14 shipping out of commission for two or three months or
15 whatever it takes to repair the wharf. They must be
16 skillful. Their pay and remuneration and benefits and
17 pension should be commensurate with the skill in order
18 to demand a high degree of skillful work on the part of
19 the pilots. I feel too that the owners of the vessels and
20 people in the port must be prepared to pay for that
21 service. Pilots, I suppose, and I am also in the insurance
22 business, my lord, pilotage is almost comparable to a
23 certain extent, that it is a devil to pay for until you
24 get in a jam and it is nice to have it, if you get the
25 picture across, my lord.

26 The pilots do many things. They keep checking
27 the buoys. They check on the changes of the draughts in
28 the harbour. That is in addition to their normal routine
29 of bringing ships in and out and docking ships. That,
30 I think my lord and gentlemen is about the only comment I



1 have to make. I wouldn't like to see any drastic changes
2 in the system we have. It has always worked extremely
3 well in my association with the pilots and with the steam-
4 ship, shipping business in this Port over the past number
5 of years that I have been associated with it. They are
6 prompt and efficient and very co-operative. They do a
7 great deal more, I think, for this Port than is really
8 shown on the surface. I would be glad to answer questions
9 you may want to put.

10 THE CHAIRMAN: Any questions?

11 Thank you very much, sir.

12 MR. JACQUES: I would now call upon the
13 Canadian National Railways to file their brief as an
14 exhibit.

15 MR. DUNCAN: My lord and members of the Commis-
16 sion I am J.M. Duncan. I represent the Canadian National
17 Railways before this Commission. I apologize to the
18 Commission for not filing with the Commission the number
19 of copies of the brief which are required by the rules.
20 I confess, however, our organization is such that I
21 wasn't given a copy of the rules. I am in default simply
22 because I didn't know what the rules were. I will, how-
23 ever, undertake to file the additional copies. I have
24 filed six. I will file the additional ten with the
25 Commission within the next ten days if that would be
26 satisfactory. I believe the Members of the Commission
27 have a copy of the brief that has been prepared.

28 THE CHAIRMAN: We have.

29 MR. DUNCAN: I have with me Captain Wallace who
30 will give evidence on this brief. There were two or three



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Duncan
Parker, cr. ex. 3559
(Duncan)

1 questions I would like to address to an earlier witness.

2 MR. JACQUES: Could you have Mr. Parker on the
3 stand and have the C.N.R. brief filed as Exhibit 402.

4
5 ---EXHIBIT NO. 402: Canadian National Railways
6 brief.

7
8 CAPTAIN PARKER, Re-Sworn, Recalled

9
10 CROSS-EXAMINATION BY MR. DUNCAN:

11 Q. Sir, this is in the nature of cross-
12 examination with respect to the evidence which Captain
13 Parker gave yesterday. As a matter of fact it is more
14 in clarification. Captain Parker, in reply to questions
15 put to you by the Chairman you indicated that when Canadian
16 ships were moving between Sydney and other ports in the
17 Dominion, other ports in the Dominion, pilotage wasn't
18 paid. Did you mean to convey that impression to the Com-
19 mission?

20 A. No, sir.

21 Q. I put it to you that a ship moving out of
22 Sydney harbour enroute to Port aux Basques, which is the
23 area in which my client is interested, in respect of ships
24 of a thousand tons net tonnage pilotage is paid at Sydney;
25 is that a correct statement?

26 A. That is correct.

27 Q. Similarly ships arriving from ports in
28 Newfoundland also pay pilotage?

29 A. Yes, sir.

30 Q. I notice, sir, in the bills which were



1 presented by you to the Canadian National Railways for
2 payment, that there was certain movements, shifts, I think
3 you referred to in your bills?

4 A. Yes, sir.

5 Q. These are movements to and from various
6 parts of a C.N.R. wharf?

7 A. Under certain circumstances.

8 Q. On none of these movements are pilots
9 used?

10 A. Not usually unless they are requested.
11 They are on standby to go if required.

12 Q. I have no doubt that they are on standby
13 if required. To your knowledge were pilots ever used in
14 the movement around the C.N.R. dock?

15 A. Oh yes, sir, within the limits of moveages
16 we have moved Canadian National ships from Northside to
17 Sydney, for instance.

18 Q. From Northside to Sydney. When was the
19 last situation when that occurred?

20 A. I wouldn't know offhand, but it has
21 happened many times, for instance with ships of the Burgo
22 class may be sent to other coal piers or the Government
23 wharf in Sydney for some purpose.

24 Q. Could you provide the Commission of
25 details of when the last time a pilot was used on a ship?

26 A. It would take quite a bit of looking.
27 It could be done.

28 Q. Is it a long time back?

29 A. Yes, not a great long way, but with the
30 total number of movements that are made that we would have



1 to cull through, a lot of paper work to find it.

2 Q. Perhaps I could ask you, sir, in respect
3 of the movement of the vessel, WILLIAM CARSON and the
4 S.S. CABOT STRAIT, will you agree that pilots are not
5 used?

6 A. No.

7 Q. Or any ships that may have repairs?

8 A. That is right.

9 Q. I believe you gave evidence that there
10 were 12 pilots on staff?

11 A. At the present time there are 12 of them,
12 yes.

13 Q. How is the number of pilots deter-
14 mined?

15 A. It is determined by consultation between
16 the Pilots' Committee and the Pilotage Authority.

17 Q. That is you?

18 A. No, the Pilotage Authority is the Minister.

19 Q. You are the representative of the Minister?

20 A. Yes, sir.

21 Q. I would suggest that your recommendations
22 would be what the Minister would use?

23 A. It is not as simple as that. It is a
24 lengthy negotiation if there was any change.

25 Q. Well, these pilots, sir -- perhaps I
26 might refer you to Exhibit No. 401. Have you had an
27 opportunity of examining this?

28 A. Yes, I am familiar with this.

29 Q. I notice of the movements in and out during
30 the year there are 1,077 with pilots and 796 without



1 pilots?

2 A. That is correct.

3 Q. The number of pilots on strength, is the
4 number being determined with a view to being able to
5 provide pilots on all of these ships if they were required?

6 A. Yes, pilots could be required -- pilots
7 could be supplied from our present . . .

8 Q. I put it to you that is the basis upon
9 which the number of pilots of Sydney is determined?

10 A. Again it is not as simple as that. In
11 this District for the last few years there are a few
12 more pilots than are absolutely necessary. That is on
13 account of the changing position of the shipping sit-
14 uation whereby we are docking larger ships but fewer ships.
15 Our tonnage is up but our number of ships is down. It
16 isn't the policy of the Department to drastically change
17 or quickly reduce pilots where men's livelihood are
18 concerned.

19 Q. I am not asking you about the policy of
20 the Department. The figures indicate there has been
21 approximately eighteen hundred movements in and out of
22 the Pilotage District of Sydney?

23 A. Yes, sir.

24 Q. In 1962. What I would like from you, sir,
25 is an expression of an opinion whether 12 pilots is
26 adequate for all those movements if pilots were required?
27 Could you provide them with the 12 pilots?

28 A. Probably we would ask for extra pilots to
29 replace existing pilots, but our present staff is
30 sufficient to cope.



1 Q. 12 pilots is adequate for the movement
2 into and out of Sydney harbour if all ships required
3 pilots?

4 A. Yes, sir.

5 Q. I think the evidence was that some 30
6 per cent of these were movements of the C.N.R.?

7 A. That is correct, sir.

8 Q. Which don't require pilots, don't need
9 pilots?

10 A. That is right.

11 Q. Would you agree with me, sir, that the
12 C.N.R. operation out of and into Sydney is a ferry operation?

13 A. Is -- ?

14 Q. A ferry operation?

15 A. I am not sure of the legal term, but we
16 call it a ferry. She makes a daily trip. It is not the
17 same as going across a river, but she comes in the same
18 time every day and goes out the same time every day.

19 Q. You told us about the relatively high
20 volume of shipping in and out of Sydney. Would you agree
21 with me, sir, that C.N.R. are virtually the only ones
22 that run this ferry service?

23 A. You might say the ARTHUR CROSS, one of
24 the Dosco ships does, she makes a 60-hour trip this time
25 of the year. You could call her a ferry.

26 Q. Just one ship?

27 A. It just happens, and the CARLTON MIRA
28 going to Wabano -- we have ships coming into Sydney to
29 Montreal on a regular run in and out. They are very,
30 very predictable in their schedule.



1 Q. Their frequency of the use of the Sydney
2 harbour wouldn't be as great as those of the ships of
3 the C.N.R.?

4 A. Well, not the CARSON except when she
5 is away. She goes away for onemonth for a refit.
6 In the wintertime her trips are irregular. In the
7 summer she is slightly different than the others in that
8 she makes trips normally.

9 Q. Mr. Parker, I might direct your attention
10 also to your statement of pilotage earned in 1962 in
11 Exhibit 386. For the month of March, sir, I note that
12 the pilotage earned is shown as \$1,594.80. This is in
13 Annual Report.

14 A. What was your question?

15 Q. I note that pilotage earned in March
16 1962 was \$1,594.80?

17 A. Oh, yes

18 Q. That is the total income from pilotage
19 that month?

20 A. That month, yes sir.

21 Q. I show you a letter, sir, dated April
22 2nd, 1962 addressed to Mr. J. Penny and purported to be
23 signed by Mr. J. Parker. Is that you?

24 A. Yes, that is a routine letter.

25 Q. I would direct your attention to the
26 contents of it, sir?

27 A. That is right. She was the only ship
28 able to get in and out.

29 MR. LANGLOIS: Could that please be read in?

30 Q.. What I proposed to do was to put a question



1 to him although I have no objection to reading it into
2 the record. The letter reads as follows, directed to
3 Mr. J. Penny, Canadian National Terminus in North Sydney
4 Nova Scotia.

5 "Dear Sir: I enclose pilotage due in the
6 "total amount of \$1,594.80 for pilotage
7 "incurred by the Canadian National steamships
8 "in the pilotage District of Sydney, Nova
9 "Scotia for the month of March, 1962, WILLIAM
10 "CARSON, 24 trips at \$66.45 for a total of
11 "\$1,594.80". You wrote that letter?

12 A. Yes, sir.

13 Q. I take it then, sir, that the only
14 pilotage that was paid in the month of March, 1962 was
15 paid by the Canadian National Railways?

16 A. That is right, sir. There is a reason,
17 of course, that the CARSON is an ice breaker and was the
18 only vessel able to go into the port during that month.

19 Q. I take it, sir, also by reason of the
20 amount charged that there was no pilot on the CARSON at
21 any time?

22 A. No, sir. It is the two-thirds rate.

23 MR. DUNCAN: Thank you, sir.

24 MR. JACQUES: Thank you Mr. Parker.

25 MR. DUNCAN: Captain Wallace.

26
27 DICKSON CARLYSLE WALLACE, Sworn

28
29 DIRECT EXAMINATION BY MR. DUNCAN:

30 Q. Captain Wallace, what is your full name?



1 A. Dickson Carlysle Wallace.

2 Q. By whom are you employed?

3 A. Canadian National Railways.

4 Q. In what capacity, sir?

5 A. I am marine superintendent of the
6 Newfoundland area.

7 Q. As such are you the officer responsible
8 for the ferry service operating between Sydney and
9 Port aux Basques, Newfoundland?

10 A. I am.

11 Q. Canadian National Railways has prepared
12 a brief for submission to that Commission. Did you have
13 a hand in its preparation?

14 A. Slightly, yes.

15 Q. Does that brief set out the position of
16 the Canadian National Railways and its officials?

17 A. These are the views of the Canadian
18 National Railways, yes.

19 Q. You, sir. I take it are a qualified
20 captain?

21 A. I have a master mariner foreign going
22 certificate.

23 Q. And have been to sea for how many years?

24 A. Since 1921.

25 Q. When did you go ashore?

26 A. I came ashore in 1952.

27 Q. Sir, did you prepare at my request or
28 cause to be prepared at my request a statement of the
29 pilotage dues paid at Sydney and Port aux Basques?

30 A. They were prepared and certified by me.



1 They were prepared by my office and certified by me, yes.

2 Q. And these are attached to and form part of
3 the brief, Exhibits A, B, C and D?

4 A. That is right, yes.

5 Q. Are these accurate, sir?

6 A. They are accurate to the best of my
7 knowledge, yes.

8 Q. Now, sir, I show you a further statement,
9 a breakdown of the pilotage at Sydney for 1962 and the
10 first four months of 1963, broken down to show total
11 pilotage paid by Canadian National and amounts payable
12 or assessed in respect to the motor vessel WILLIAM CARSON
13 and the S.S. CABOT STRAIT. Did you cause that to be
14 prepared at my request?

15 A. I had this prepared at our North Sydney
16 office this morning.

17 Q. I take it this was prepared using the bills
18 of the Pilotage Commission?

19 A. These were taken from the file of the
20 bills from the Pilotage Authority.

21 Q. Might I introduce that as an exhibit, sir.

22 THE SECRETARY: 403.

23

24 ---EXHIBIT NO. 403: Breakdown showing total pilotage
25 paid by Canadian National and the
26 amounts payable in respect to the
WILLIAM CARSON and the S.S. CABOT
STRAIT.

27 Q. Captain, this, I believe, is somewhat
28 incorrect insofar as it relates to Port aux Basques and
29 the allegation stating that the pilot and boatman are members
30



1 of the Commission at Port aux Basques?

2 A. When that was made out I was given that
3 verbal information which I have discovered is incorrect.
4 That is right.

5 Q. So that this brief is incorrect to the
6 extent that the pilot and the boatman are not members of
7 the Commission?

8 A. I believe that is so, yes.

9 Q. Captain Odo Canadian National owned boats
10 into and out of Sydney use pilots?

11 A. No.

12 Q. Would you be content if they paid pilot-
13 age dues if they used pilots?

14 A. If they used pilots, if they had to use
15 them, yes.

16 Q. You haven't any quarrel with paying
17 pilotage dues in principle?

18 A. No.

19 MR. DUNCAN: Thank you, sir.

20 COMMISSIONER SMITH: Captain, I would like to
21 ask you a question or two. The present skipper or master
22 of the CARSON, I take it has been on that ship or similar
23 ships plying between Port aux Basques and here for some
24 years; is that correct?

25 THE WITNESS: Well, there are two masters on the
26 WILLIAM CARSON. One takes one night and the next one takes
27 the next night. They alternate.

28 COMMISSIONER SMITH: Turn about?

29 THE WITNESS: Captain Tobin, senior or the two
30 has been on the Port aux Basques North Sydney run -- I



1 can't tell you the exact number of years, but it is
2 considerable. He was chief officer of the CABOT STRAIT
3 before he even got master.

4 COMMISSIONER SMITH: Well now, let me ask you
5 this, Captain. If anything happened to one of those
6 captains and you had to put a new man on, a stranger to the
7 Sydney Pilotage District, he would take a pilot, would he?

8 THE WITNESS: No, because the 15 ships we own --
9 the 15 masters and the relief masters are all very
10 conversant with Sydney, North Sydney harbour and Port aux
11 Basques.

12 COMMISSIONER SMITH: You would take one off of
13 the other ships and put them on as necessary?

14 THE WITNESS: That is right. I might say that
15 the present chief officer of the WILLIAM CARSON, Captain
16 Green relieves Captain Tobin and Captain Hinks when they
17 go on their holidays at the present time.

18 COMMISSIONER SMITH: Thank you.

19 MR. JACQUES: Could I ask you to file, sir, the
20 entrusting orders to which you refer in your
21 brief in page one?

22 MR. DUNCAN: I will undertake to do that.
23 Will a certified copy be satisfactory?

24 BY MR. JACQUES: ...

PS 25 Q. Yes. You have said a brief word as to the
26 experience of the master on the CARSON. What about the
27 master on the CABOT STRAIT?

28 A. Exactly the same.

29 Q. Do you recall if either of these two
30 vessels had any accident at all, either at Port aux Basques



1 or Sydney say in the last five years?

2 A. Yes. The CABOT STRAIT had a collision, I
3 think it was June or July of last year.

4 Q. Where did the collision occur?

5 A. In the channel.

6 Q. Which channel?

7 A. After you pass the buoy out here, going
8 out.

9 Q. Going out of Sydney?

10 A. Halfway down the channel.

11 Q. Going out of Sydney harbour?

12 A. Yes. The CABOT STRAIT was coming in.

13 Q. What time of day was it?

14 A. It was around, between half past five and
15 six in the morning.

16 Q. And with what ship or object did she
17 collide?

18 MR. DUNCAN: I have no objection whatever to
19 Captain Wallace answering questions in respect to this
20 collision, but I should draw the attention of the Commission
21 to the fact that this is currently a litigious matter and
22 I should not like anything to be said before the Commission
23 which could be used for any purpose whatever, so that
24 before Captain Wallace answers it, I should like to claim
25 the privilege of the Canada Evidence Act.

26 THE CHAIRMAN: That is all right.

27 Q. A collision with a schooner. Is that
28 right?

29 A. Yes.

30 Q. How was the weather?



1 A. Foggy.

2 Q. Do your ships carry radar?

3 A. Both ships had radar.

4 Q. In order not to prejudice the position of
5 the Canadian National Railways, I think I should resist
6 from this line of questioning, if it is agreeable to the
7 Commission.

8 THE CHAIRMAN: I have in front of me here
9 Exhibit 390, a report of casualties where pilots were
10 involved. I suppose there was no pilot at that time. You
11 said there was a collision in 1962?

12 THE WITNESS: There was no pilot on the CABOT
13 STRAIT.

14 THE CHAIRMAN: And what about the other ship?

15 THE WITNESS: No, there was no pilot.

16 THE CHAIRMAN: What kind of a ship -- ?

17 THE WITNESS: She was a schooner. An auxiliary
18 schooner.

19 THE CHAIRMAN: That is why this collision does
20 not appear in the report of casualties on Exhibit 390.

21 Q. Now sir on page 2 of your brief, at the
22 bottom, the last sentence reads: "For such vessels pilots
23 "are not required and they are seldom, if ever,
24 "used." Would you care to state when pilots
25 are used?

26 A. Well we have fifteen ships belonging
27 directly to the Canadian National Railways. This time
28 of the year when traffic is heavy, we have to charter
29 sometimes as many as -- I have had as many as nine ships
30 chartered. When we charter an outside ship, it's quite often



1 that the master is not familiar with Sydney and then we
2 allow him to take a pilot.

3 Q. What would be the size of the CARSON,
4 do you recall that offhand?

5 A. Offhand I can't give you the size. Over
6 4,000 tons. The CARSON is 8,273 registered gross tons
7 and 4,604 net tons.

8 Q. And the CABOT STRAIT?

9 A. The CABOT STRAIT is 2,045 gross and 1,036
10 net.

11 Q. Thank you. Now sir on page 3 of your
12 brief you refer to the use of pilots generally. Do you
13 not think that it's fair to place C.N.R. vessels on the
14 same footing as any other vessel engaged in commercial
15 transporation in the area and request C.N.R. to pay
16 pilotage dues?

17 A. I think in the case of our ships, they
18 are running purely a ferry service running into Port aux
19 Basques and North Sydney twice a day. The WILLIAM CARSON
20 leaves Sydney, makes Port aux Basques in six hours, making
21 two trips a day. As far as pilotage is concerned in each
22 port, it's purely a ferry service. Therefore, I think it
23 is unfair to class them the same as ocean going ships.

24 Q. What, in your opinion, are the characterist-
25 ics of a ferry service?

26 A. Exactly what I was saying. When you run
27 between two ports not too great a distance, all within
28 a short period of time.

29 Q. Two ports, not too great a distance.

30 A. Within a limited space of time.



1 Q. And that is, in your opinion, the character-
2 istic of a ferry service?

3 A. Yes. I wouldn't call New York to
4 Southampton a ferry service.

5 THE CHAIRMAN: I had that in my mind.

6 Q. Since some people hold that pilotage is
7 a service which must be maintained, it must be there when
8 required by shipmasters, do you not think that in order
9 to support this service there must be contributions from
10 the users of the particular port? If sometimes pilots
11 are used only in bad weather, these men have to be main-
12 tained during fine weather. They must be paid and must be
13 trained. They must be there 24 hours a day. Don't you
14 think that contributions from all users of the port should
15 be made in that respect?

16 A. I do. I adhere to that and always have.
17 In our case, I think we use it so often that our proportion
18 is out of proportion.

19 Q. Thank you.

20

21 CROSS-EXAMINATION BY MR. LANGLOIS:

22 Q. Captain Wallace how much in fact did you
23 have to do with the drafting of the brief filed as Exhibit
24 402?

25 A. I gave Mr. Duncan the technical knowledge.

26 Q. Are you in agreement with all the statements
27 contained in this brief?

28 A. Yes sir.

29 Q. Are you, for example, in agreement with the
30 following statement contained on page 5 of the brief which



1 reads as follows:

2 "To require the Shipping Industry to pay for a
3 "service which is not used and is not required is
4 "to ignore the purpose for which pilots are
5 "provided and to encourage feather-bedding of
6 "the very worst kind." Do you agree with that
7 statement?

8 A. That statement was made more for Port aux
9 Basques than it was for North Sydney, but I also think
10 there is -- the proportion we pay of pilotage, there is
11 a certain amount of feather-bedding done, yes.

12 Q. That statement does not apply to the Port
13 of Sydney pilots?

14 A. Not to the same extent as Port aux Basques.

15 Q. Do you agree with the following statement
16 on the same page which reads as follows:

17 "Indeed as is presently the case at Port aux
18 "Basques and Sydney a relatively large group
19 "of men are living quite handsomely upon Pilotage
20 "Dues which have not been earned."

21 A. Yes, I believe in that.

22 Q. You agree with that?

23 A. Yes.

24 Q. As a former seaman you do?

25 A. I do.

26 Q. Now on page 2. of your brief do you agree
27 with the statement that pilotage is desirable in some
28 situations?

29 A. Absolutely, yes.

30 Q. Do you think that pilotage is necessary for



1 the harbour of Sydney?

2 A. Yes.

3 Q. Then if pilotage is necessary for the
4 Port of Sydney who, in your mind, should pay to provide
5 a substantial and sufficient pool of trained pilots?

6 A. Well I think all ships probably should
7 pay their share but I do think that we are paying more
8 than our share for exempt vessels.

9 Q. Do you agree you should pay your share?

10 A. To a certain extent, yes.

11 Q. You were in this room this morning. You
12 heard the statement made by Mr. Huntley, the treasurer
13 of the Sydney Pilotage District giving the amount of
14 \$40,726.72 as being the amount paid by C.N.R. for 1962 in
15 pilotage dues when pilots were not used?

16 A. That is correct.

17 Q. In schedule C of your brief, you gave the
18 sum of \$49,130.82 as representing the pilotage dues paid
19 by C.N.R. in 1962. How do you explain the difference between
20 the figures given by Mr. Huntley this morning and the
21 figure shown in schedule C of your brief?

22 A. This figure was taken from our file of
23 bills sent from the pilotage and paid by us. Now the
24 difference could be, we, as I say, charter quite a few
25 outside ships and they do either take a pilot or a few
26 of them are over the 1,000 tons. I have two ships down
27 there at the moment over 2,000 tons, which would be paying
28 the two-third dues.

29 THE CHAIRMAN: I think this figure is explained
30 by Exhibit 403.



1 MR. LANGLOIS: I want the witness, my lord, to
2 give the information.

3 THE CHAIRMAN: That is all right.

4 Q. So this means that at least the C.N.R.
5 used, or used in 1962 the service of the pilots to the
6 extent of having to pay close to \$9,000.00 in pilotage
7 dues when pilots were used?

8 A. I don't think pilots were used for all of
9 that \$9,000.00, no. Some of the ships, especially in 1962
10 there were two ships we had chartered, the ART GARRY and
11 the ART GLEN who ran between here and Port aux Basques
12 regularly. They took pilots quite often, I will admit.
13 Lots of times they didn't as well, but they were over the
14 1,000 tons so they were paying the two-thirds pilotage
15 every trip.

16 THE CHAIRMAN: On this line of questioning, on
C2 17 page 3 of your brief, that is what you mean, those two
18 ships, when you said the user was confined to two occasions
19 in 1962. Is that two occasions or two ships?

20 THE WITNESS: That my lord should have been two
21 ships. That is an error.

22 Q. Is it not a fact that the two ships you
23 have just mentioned are below 1,000 tons net tonnage?

24 A. Above.

25 Q. My instructions are the ART GLEN's net
26 tonnage is only 497 and the ART GARRY is only 507 net tons.

27 A. That is registered tons.

28 Q. That is net tonnage?

29 A. Yes, but they pay on gross.

30 MR. DUNCAN: What is the registry of the vessel?



1 Q. My instructions are that these figures are
2 net tonnage of the two ships on which a pilot will base
3 himself in order to decide as to whether or not pilotage
4 dues should be required and my lord if this information is
5 not accepted, I will put a witness on the stand.

6 THE CHAIRMAN: Do you agree with this statement
7 of Mr. Langlois'?

8 THE WITNESS: I was under the impression that
9 they were large enough to pay pilotage. I may be wrong.

10 THE CHAIRMAN: So this will be verified quite
11 easily.

12 THE WITNESS: We had the YORKWOOD last year.
13 Certainly she came into it. She is quite a large ship.

14 Q. My instructions are that that ship is
15 1,233 net tons?

16 A. Well she would be paying.

17 Q. The explanation that you have just given,
18 even taking into consideration this last ship that you
19 have mentioned, does not answer the question that I put
20 to you because this morning Mr. Huntley gave a figure of
21 \$40,726.72 as being the pilotage dues paid when pilots
22 were not used. So the difference between this figure and
23 the figure shown in schedule C of your brief should
24 represent pilotage dues paid when pilots were actually on
25 board.

26 THE CHAIRMAN: Excuse me, my note here, just to
27 put the record straight, dues paid by two C.N.R. ships,
28 the WILLIAM CARSON and the CABOT STRAIT for 1962 \$40,726.72.

29 MR. LANGLOIS: You are right my lord.

30 Q. Now would you be able to tell the Commission,



1 Captain Wallace, how much of this difference of some
2 \$9,000.00, between the two figures, would represent the
3 pilotage paid when there was a pilot on board the ship?

4 A. I can't tell you that exactly, no, because
5 there is a case right at the moment, the PIERRE RADISSON
6 down here. Sometimes she takes a pilot and sometimes she
7 doesn't. Yet I think she has high enough tonnage to pay
8 the two-thirds. That would come in occasionally.

9 Q. There again my instructions are that the
10 PIERRE RADISSON is only 498 net tons.

11 A. Well I must be wrong then.

12 Q. Now you described this morning both the
13 CARSON and the CABOT STRAIT as ferries. Do you really mean
14 to say that the CABOT STRAIT can be considered a ferry
15 boat?

16 A. Yes, I would.

17 Q. You described a ferry boat as being a
18 vessel travelling between two ports not too far distant
19 from one another on regular runs. Was that your definition?

20 A. Yes.

21 Q. Would you tell the Commission if this
22 definition applies to the CABOT STRAIT?

23 A. The CABOT STRAIT when she is on the Port
24 aux Basques Sydney run, yes.

25 Q. All the year round?

26 A. She is not always all year round on it.

27 Q. Is it not a fact that she is calling on
28 all the ports in Newfoundland and Saint John, for example?

29 A. At the present moment she is. She is off
30 this service now.



1 Q. Is it not a fact she is off the service for
2 at least five months at the present time?

3 A. That is right.

4 Q. And that she will be plying on the coast
5 of Newfoundland and possibly Labrador?

6 A. That is right.

7 Q. She can hardly be fitted --

8 A. It's the run I was thinking of.

9 Q. -- into your description which you have
10 given this morning.

11 A. It's the run that I am describing more
12 that the ship itself.

13 THE CHAIRMAN: I understand she is a replacement
14 when the CARSON cannot work?

15 THE WITNESS: That is right.

16 Q. How often are pilots used by your company
17 for ships when they are going to other than your home
18 docks in Sydney?

19 A. When they are shifted at our own dock?

20 Q. When they are going to some other docks
21 than your home dock here in Sydney.

22 A. I can't answer that one. I don't know.

23 Q. My instructions are, Captain Wallace, that
24 when your ships call at other docks than Sydney, you do
25 use pilots. Is that correct?

26 A. I would imagine if I was sending a ship
27 down to load steel, down at the steel dock, that I would
28 ask for a pilot because my masters don't go down there.

29 Q. Very good. Now this morning you mentioned
30 this collision between the CABOT STRAIT and the schooner.



1 Was there not another mishap or casualty involving the
2 grounding of the CABOT STRAIT a few years ago?

3 A. Well I have only been in this position two
4 and a half years. I don't think it happened while I was
5 here.

6 Q. Would you look at your files and see if
7 that is right, the CABOT STRAIT was stranded on the south-
8 east bar about two years ago?

9 A. I would have it in my files in Saint John,
10 yes.

11 Q. My instructions are that it could be more
12 than two years ago.

13 A. It must have been. It was before my
14 time. I wouldn't know. I wasn't here.

15 Q. In this collision between the schooner and
16 the CABOT STRAIT what was the resulting damage, roughly,
17 in round figures?

18 A. The schooner had her bow shoved in.

19 Q. Could you give us an estimate of this
20 damage? Do you know the amount of the damage involved in
21 this accident?

22 A. No, I don't. I would say roughly it's
23 around \$15 to \$18 thousand dollars, but I haven't seen
24 the claim. Mr. Duncan was handling that.

25 Q. Now you were the master of a foreign going
26 ship for quite some time, you gave in your testimony this
27 morning. When you were acting as master of foreign going
28 ships, were you using pilots?

29 A. Yes.

30 Q. I understand that the C.N.R. does not own



1 any boats. That the boats that you referred to this morn-
2 ing in your testimony, and that you have referred to in
3 your brief are boats entrusted to you by the Government of
4 Canada?

5 A. That is correct.

6 Q. Would you care to tell the Commission what
7 happens when the operation of these boats is in the red?
8 When there is a deficit at the end of the year?

9 MR. DUNCAN: I object to this line of questioning
10 on two grounds: Surely it is not within the Terms of
11 Reference of this Commission as to the profit and loss
12 situation of the operation of these vessels. We are not
13 talking in our brief at all about the adequacy or inadequacy
14 of the pilotage rate.

15 THE CHAIRMAN: I can understand the objection,
16 but on the other hand, I don't see how the witness can
17 answer that.

18 MR. LANGLOIS: My lord, I am just asking this
19 question of the witness. If he doesn't have the information,
20 it is quite all right. I should remind your lordship that
21 this information is available in the C.N.R. reports and
22 it is common knowledge how these deficits are passed along
23 to the public in general.

24 Q. Would you mind giving us the maximum
25 draught of both the CARSON and the CABOT STRAIT?

26 A. The CABOT STRAIT'S draught is around 21
27 feet. The CARSON, the way she runs, is around 17 feet
28 6 inches. Now she may be lower than that at times. I don't
29 know actually how far she can go to plimson mark. She
30 runs roughly 17 feet, 6 inches.



1 Q. Captain Wallace from your testimony this
2 morning you made it clear that your company charters a
3 number of ships under 1,000 tons net?

4 A. That is right.

5 Q. That is correct?

6 A. Right. They are in view behind you there.

7 Q. Would you be able to tell the Commission by
8 how much did your company benefit when the exemption was
9 raised to 1,000 tons net?

10 A. I don't know what year the 1,000 was raised
11 but the exhibit here shows that in 1960 \$6,000.00 paid.
12 1962 was \$49,000.00 paid.

13 Q. You refer to which exhibit?

14 A. That is Exhibit A.

15 MR. JACQUES: Exhibit 402 for the record.

16 Q. If I suggest to you, Captain Wallace, that
17 the answer that you have given doesn't answer my question
18 because your answer doesn't take into account the increase
19 in traffic over the years, would that be correct?

20 A. You are perfectly correct.

21 Q. Could you obtain this information for the
22 Commission?

23 A. I think it might be.

24 MR. DUNCAN: Perhaps my friend would indicate
25 when the change took place?

26 MR. LANGLOIS: The change took place in 1960.

27 MR. DUNCAN: Then the record speaks for itself.
28 Exhibit A to this Submission of the C.N.R. speaks for itself.

29 MR. LANGLOIS: I beg to differ with my learned
30 friend. This exhibit doesn't take into account your increase



1 in traffic in 1962 and 1961. I am sure your company hasn't
2 stood still as far as traffic is concerned. You say that
3 your traffic increased. My lord I think this information
4 is quite important. I am sure that the C.N.R. people
5 are in a position to supply the information and I request
6 they should be asked to do so.

7 THE CHAIRMAN: Would you rephrase your question?

8 MR. LANGLOIS: I would like to know, my lord,
9 what was the saving in pilotage dues derived by the C.N.R.
10 from the modification of the exemption when it was raised
11 in 1960 to 1,000 tons net?

12 THE CHAIRMAN: What ships were actually exempt
13 by this increase that might not otherwise. These figures
14 will not be available from any other source? There is
15 no other record of the ships coming in North Sydney?

16 MR. DUNCAN: My lord, with the greatest respect,
17 we wouldn't have it. I suspect it would take a tremendous
18 amount of bookkeeping to turn it up. Exhibit 403 which
19 was submitted this morning, that type of exhibit we could
20 undertake to provide which would perhaps assist my friend.
21 We could carry this back, I think, back beyond 1962 because
22 it is my information that the bulk of the dues payable
23 by the Canadian National Railways were in the years prior
24 to 1960 payable in respect to the CARSON and in respect also
25 to the CABOT STRAIT, so that ~~these~~ weren't factors in any
26 way shape or form.

27 THE CHAIRMAN: Would this give you the information
28 to a certain extent?

29 MR. LANGLOIS: To a certain extent, but, my lord,
30 I don't think it would be too much trouble for the C.N.R.



1 to give us how many ships under 1,000 tons that they have
2 chartered and used in the Port of Sydney from 1960 to date.
3 I don't have the staff to do the work but I will do the
4 calculations myself and I will have the information I
5 want in that manner.

6 MR. DUNCAN: My lord, all I can say is this,
7 that monthly we receive a bill from the Department of
8 Transport, the District Supervisor of the pilots who in
9 his bills spells out specifically the ships charged with
10 pilotage and operated by or on behalf of the Canadian
11 National. These are certainly available to the Commission
12 through the District Supervisor of pilots. We can produce
13 the same thing and will do so if the Commission requires
14 something beyond this. The C.N.R. could dig back into
15 its records and are prepared to do so if necessary but in
16 this case I think my friend, should, perhaps share the
17 cost.

18 THE CHAIRMAN: Wouldn't there be a log or some
19 record of the other ships that are not affected by pilotage
20 dues?

21 MR. JACQUES: We might be able to supply the
22 information quite rapidly, but it wouldn't be very accurate.

23 THE CHAIRMAN: Will you inquire into that at the
24 noon recess and report to us when we resume the hearing?

25 MR. JACQUES: As I said a moment ago I think I
26 can supply that information this afternoon, but with no
27 guarantee as to the accuracy. It might be two or three
28 ships out.

29 THE CHAIRMAN: We will verify that and you may
30 discuss that over noon hour and see if it will be sufficient.



1 MR. LANGLOIS: My lord, as Commission's counsel
2 just said it wouldn't give us an accurate picture. I am
3 willing to take the offer made by my learned friend for
4 the C.N.R. I am willing to share in the cost of digging
5 out how many ships since 1960 are below the 1,000 tons.

6 THE CHAIRMAN: And who called here?

7 MR. LANGLOIS: It wouldn't be tremendous, 10
8 or 15 ships I should think.

9 THE CHAIRMAN: Commission counsel will inquire
10 as to the records and will report to us when we resume
11 the hearing this afternoon.

12 - Q. I don't know, Captain Wallace, if this
13 within the sphere of your activities. Can you tell us
14 as to whether or not the BLUENOSE pays in Bar Harbour?

15 A. No.

16 Q. No?

17 A. I don't think she does.

18 Q. Do you know?

19 A. Not really. I can't say under oath.

20 Q. My lord, I think that information is
21 important. The BLUENOSE is another ship in trust with the
22 C.N.R. plying between Yarmouth and Bar Harbour. It would
23 be very interesting to know.

24 THE CHAIRMAN: Pardon?

25 MR. LANGLOIS: I said it would be interesting to
26 see, to have positive information as to whether or not the
27 WILLIAM CARSON on its run between Yarmouth and Bar Harbour
28 has to pay pilotage either in Yarmouth or Bar Harbour.

29 MR. JACQUES: Not the CARSON, the BLUENOSE.

30 THE CHAIRMAN: Yes, this information will be



1 necessary. I was going to ask the question about that
2 after you were through. We will have to consider the
3 question of ferries and find out whether it is necessary
4 to define a ferry. I would like to see the difference
5 between a ferry just across the harbour or across a
6 borderline, whether it is provincial or between two
7 countries. We have seen, as you will recall, the situation
8 in British Columbia where we found over there they have
9 ferries between the United States and Canada and have
10 exempted them although the by-law didn't exempt the
11 ferries. They are not charging for them. They don't
12 charge either way, the United States or Canadian ferries.
13 It isn't legal. That is the question which will have to
14 be studied.

15 MR. JACQUES: The solicitor for the Guild might
16 give some thought to the definition of a ferry. I would
17 appreciate his help in that respect.

18 MR. LANGLOIS: The definition we had this
19 morning could apply to the QUEEN MARY, New York to
20 Southampton.

21 MR. JACQUES: I would appreciate your help on
22 that if you will try to define ferry.

23 THE CHAIRMAN: If any definition is needed.

24 MR. LANGLOIS: Coming back to your brief at
25 page 5, Mr. Wallace, beginning at the bottom of page 5
26 mention is made that the number of pilots shouldn't be
27 greater than the number of men who, working normal hours,
28 would normally be required to handle the ships actually
29 requiring pilotage services. Do you think it is
30 possible to provide an efficient and continuous pilotage



1 service and still have the pilots working normal hours?

2 A. What do you call normal hours?

3 Q. You are using the expression. You should
4 know yourself. I am just quoting from your brief.

5 A. As far as our operations out of North
6 Sydney are concerned we need very few pilots. What the
7 rest of Sydney the rest of the harbour, I don't know. I
8 don't know Sydney that well. Evidentially from the remarks
9 made yesterday by the Superintendent of Pilots himself
10 ten pilots would be sufficient and there are more than that.
11 One would think we are paying for larger pilot force in
12 Sydney than is probably necessary. I don't know.

13 Q. Would you agree with this figure of ten
14 pilots as being necessary and sufficient for the handling
15 of pilotage here in Sydney?

16 A. I wouldn't like to mention any particular
17 figure because I don't know the harbour well enough.

18 Q. If you had to provide the pilotage service
19 during daylight and dark hours and Sundays and holidays,
20 no matter what number of pilots -- would they be working
21 normal hours?

22 A. When you find 18 trips in the busiest
23 month, which came in evidence yesterday, no person can be
24 working very hard.

25 Q. Do you know that to do those 18 trips
26 pilots had to be on standby and be on watch on 24 hour
27 week on week off at the station?

28 A. On standby. As admitted by the Superintend-
29 ent of Pilots some of them do it at home on the telephone.

30 Q. I beg your pardon?



1 A. Some of them stay at their own home on
2 the telephone.

3 Q. When they are on standby, but they are
4 on duty?

5 A. I suppose they are.

6 Q. 24 hours at the station, would you consider
7 that normal working hours?

8 A. Normal hours for a pilot, yes.

9 Q. For a pilot?

10 A. Yes.

11 Q. But not . . .

12 A. That is normal working hours, same as the
13 master of a ship.

14 Q. That is what you mean in your brief?

15 A. Yes.

16 Q. When you refer to normal working hours
17 you refer to the normal working hours of a seaman?

18 A. Seamen and pilots. I don't think pilots
19 should be on a 24-hour day for a month at a time. I think
20 they should have the same hours as most people, everybody.

21 Q. Now, I come to page 6, the top of page 6
22 of your brief where this is stated:

23 "If, in any Pilotage District, dues are collected
24 "in excess of those required to pay reasonable
25 "wages to the necessary pilots, such excess should
26 "be paid into the public treasury in order to
27 "help to defray the cost of providing harbour
28 "facilities."

29 Do you agree with that statement?

30 A. Yes, if the Department of Transport or



1 someone decided what is a good, fair wage for the pilots
2 otherwise a pilot could get \$50,000.00 a year, maybe.

3 Q. Pardon?

4 A. It might happen a pilot got \$50,000.00.

5 Q. You know they are far from that here in
6 Sydney?

7 A. Yes.

8 MR. DUNCAN: They are paid handsomely in
9 Port aux Basques.

10 MR. LANGLOIS: I am not too concerned with
11 Port aux Basques pilots.

12 MR. DUNCAN: A lot of this brief was made up
13 with the Port aux Basques pilots in mind.

14 THE CHAIRMAN: We understand that. We had
15 some evidence about the Port aux Basques District before
16 and we intend to hear about it further.

17 MR. DUNCAN: Perhaps I should make our position
18 clear. This is one submission for the Canadian National respect-
19 ing all pilotage in the Maritimes and all the comments
20 made in this brief are not exactly specifically at Sydney.
21 I think it might well be said and I think the Commission
22 will realize the submissions are of a general nature rather
23 than specifically aimed at Sydney.

24 MR. LANGLOIS: Then, my lord, I would like to
25 know what part of the brief applies to Sydney and what part
26 doesn't.

27 THE CHAIRMAN: I think you got a lot by your
28 questions. From what I understand most of the recommendations
29 would apply to the full extent to Port aux Basques and
30 partly, to a lesser extent here. Just by a little calcul-



1 ation from the figures this morning, Port aux Basques,
2 the C.N.R. paid the full amount of money received by the
3 pilot and his boatman and there is something left. That
4 was only by the C.N.R. I don't know where the rest of the
5 money went. I guess we will find out. We haven't finished
6 the investigation of Port aux Basques.

7 MR. LANGLOIS: Then, I come to page 7 of your
8 brief, paragraph 6, where you state

9 "It is further submitted that pilotage is as much
10 "a port facility as the provision of dockage,
11 "the dredging of channels, the locating of buoys
12 "and the provision of other safety features".

13 Do you agree with this statement?

14 A. That is the company's point of view. I
15 wouldn't like to say about my personal point of view.

16 Q. Would you be prepared to go as far as
17 to say all pilotage dues should be paid out of the general
18 revenues of Canada?

19 A. In some argument I think it would be
20 better if the pilots were paid that way. They would have
21 better pensions and so forth. It is arguable both ways.
22 I have heard both sides argued.

23 Q. When you compare pilotage to dock facilities,
24 dredging of channels, as users of the Port of Sydney don't
25 you pay for these facilities?

26 A. Certainly.

27 Q. You do. If you pay for these facilities
28 and you consider pilotage as part of these facilities
29 shouldn't you be paying also for those facilities?

30 A. We are not saying we don't intend to pay



1 for pilotage. We would mean it would all be paid in as
2 part of the whole and the pilots would be paid some other
3 way. In other words if the pilots were civil servants
4 and we paid everything to the Crown.

5 Q. Do you mean to say if the pilots were
6 civil servants you would have no quarrel about paying?

7 A. We know very well we wouldn't get it
8 without paying, no.

9 Q. You would still object to the payment of
10 pilotage dues you are objecting to paying presently?

11 A. Yes, we would still object to that.

12 Q. If that charge is passed along to you as
13 a port charge as a user of the port you would have no
14 objection, is that the interpretation I should give the
15 paragraph, then?

16 A. That paragraph is also for Port aux
17 Basques where there is one pilot and one boat getting
18 all the money.

19 Q. There is not much of your brief left applying
20 to Sydney, then. I won't quarrel with you, mind you.
21 Captain Wallace, you mentioned this morning, a few minutes
22 ago, that the normal working hours of pilots were comparable
23 to the normal working hours of ship masters. Since in your
24 brief you contend that Sydney pilots are probably too well
25 remunerated would be mind telling the Commission what is the
26 salary of the Master of the CARSON?

27 A. What is the salary -- do I have to answer
28 that?

29 MR. DUNCAN: If the Commission orders it to be
30 answered we will have to answer, but I don't know what the



1 relevance is.

2 THE CHAIRMAN: There is a comparison made there
3 to people in the same line, but normally is the company's
4 policy -- in this case it's a Crown company. I think this
5 information would be available from records.

6 MR. LANGLOIS: Not in detail.

7 MR. JACQUES: If you recall the St. John's,
8 St. John's, Newfoundland hearing, those figures were
9 given.

10 MR. LANGLOIS: They were given in Vancouver for
11 tugboat masters.

12 THE CHAIRMAN: There you had agreement, a labour
13 agreement.

14 MR. LANGLOIS: Here again we haven't objected
15 to the pilots' earnings, and their expenses, which are very
16 personal matters being thrown open. We have nothing to
17 hide. We expect we will get the same attitude from the
18 other side.

19 THE CHAIRMAN: If this comparison is to be made
20 we would have to have the figures. Of course this company
21 is bringing up the comparison, so if they want us to make
22 a comparison as to whether the pilots are overpaid with
23 regard to other masters or any other category of mariners
24 we should have the figure.

25 MR. DUNCAN: We are not suggesting, and indeed,
26 we had no way of knowing at the time this brief was
27 printed what was in fact the salary of the pilots of this
28 District. At this moment we can make calculations as
29 easy as anyone else from the figures of the production,
30 13 men each made \$7,600.00 a year last year. We are not



1 saying whether this is adequate. We don't know whether
2 this is or isn't adequate. All we are saying whatever
3 is an adequate figure it should be paid to them and not
4 be dependent upon the whimsy, if you will, of the
5 shipping interests.

6 THE CHAIRMAN: In other words what you say on
7 page 5 in the last paragraph is just a rule. You are
8 not prepared to give any figures to find out what normally
9 would be required to handle ships requiring pilotage?
10 You are not going to give us a figure?

11 MR. DUNCAN: I don't think we would feel
12 competent. Perhaps Captain Wallace might have a definite
13 figure. My own personal view is without knowing all the
14 factors — we would probably think the figure would vary
15 from time to time. It could vary according to the amount
16 of workload that the pilot bears. It seems to me if
17 you are operating the Port of Sydney with six men then
18 the six men should surely be paid a higher salary than
19 if you were operating the Port of Sydney with 12 men.
20 What that salary should be I don't pretend to know.

21 THE CHAIRMAN: It is just a submission, a
22 rule how the calculation should be made, but you are
23 not prepared to make the calculation.

24 MR. DUNCAN: I am not prepared to make
25 calculations and I doubt whether Captain Wallace is.
26 In any event I doubt very much that what was paid to
27 any one of the captains on any one of the ships operating
28 in the Sydney harbour is any guide as to the amount that
29 should be paid to the pilots in Sydney harbour.

30 MR. LANGLOIS: My lord, I want first to correct



1 a statement that has just been made by my learned friend,
2 Mr. Duncan, when he said that the information as to the
3 revenues of the pilots weren't available to him before
4 he got here at this hearing. I would remind my learned
5 friend that the brief submitted by the Sydney pilots
6 was filed on time and according to the rules of practice
7 of this Commission, two weeks -- more than two weeks,
8 close to a month before the Commission came here and 15
9 copies were filed with the Secretary in Ottawa. Anyone
10 wishing to know what that brief contained could have applied
11 to the Secretary. Schedule 8 of the brief contains in
12 detail the earnings of each of the Sydney pilots for the
13 year 1962.

14 MR. DUNCAN: I thought I had made my position
15 rather clear, that I wasn't personally aware. I must say
16 my friend is not in error in any way, and of course I will
17 concede that it is public knowledge, constructive rather
18 than accurate. Were I aware that there was A, a Commission
19 in the City dealing with the pilotage at Sydney and were
20 I aware of the rules of the Commission, and I deny any
21 knowledge of either, I could have theoretically got that
22 information, so to that extent I can see that my friend's
23 point. I am saying that at the time this was prepared these
24 figures weren't available to those who prepared it.

25 THE CHAIRMAN: You state the facts, and not as to
26 whether they were obtainable or not.

27 MR. LANGLOIS: My lord, I want to make it clear
28 that when I asked for the figures of the salary of the
29 masters of the CARSON and the CABOT STRAIT it isn't because
30 I don't have the information. I have it because as Captain



1 Wallace knows quite a few of his officers belong to the
2 Canadian Merchant Service Guild. I want the information on
3 the record.

4 MR. JACQUES: It is already in the record of the
5 C.N.R. ships plying in the Maritimes area. It is in the
6 record at St. John's.

7 MR. LANGLOIS: When was it filed?

8 MR. JACQUES: It was read in the record.

9 MR. LANGLOIS: When?

10 MR. JACQUES: When we were in St. John's. I don't
11 recall the date.

12 MR. LANGLOIS: I wasn't there.

13 MR. JACQUES: I read this evidence into the
14 record myself, the name of the ship and the salary of the
15 master. Unfortunately I haven't got these documents here.

16 MR. LANGLOIS: I don't want to dispute this
17 point. As you will recall in Newfoundland I had a witness,
18 Captain Puddister, a former employee of the C.N.R. and I
19 asked him to state his salary and there was objection taken.
20 My learned friend then agreed to read into the record the
21 information that is just mentioned. This must have been
22 read at that sitting that I missed in St. John's either the
23 Friday morning or the Thursday morning.

24 THE CHAIRMAN: As far as we are concerned we
25 do not recall it. It may be in the record. There are
26 quite a few things that were said there. We have ruled
27 so far that it is company policy and we should not pry
28 into company policy if it is not agreeable to the company.
29 That is as far as salaries are concerned of the masters.

30 This was ruled at the various places, as you



1 recall.

2 I don't know how Captain Wallace would be the
3 witness to say that because I don't suppose he would be
4 a competent witness. In any event, this was the ruling
5 by the Commission.

6 MR. LANGLOIS: If the information is in the
7 record my lord, I will refer to that.

8 THE CHAIRMAN: Should you insist on this infor-
9 mation later on, and it is not in the record, then if
10 you communicate with us and we will study it and
11 give a formal ruling because the company officers may
12 object to giving this information. It may be against the
13 company policy but the individual drawing the salary
14 can always come before the Commission and say this is my
15 salary. There is nothing against that.

16 Q. My lord, I come to the last paragraph of
17 the brief, and in this connection I do not wish to direct
18 any questions to the witness because from the way he
19 described his activities this morning, I do not think he
20 has anything to do with the operation of the Canadian
21 National Railways on the west coast. But what I wish
22 to direct to your lordship's attention is that in this
23 last paragraph it is stated that the submission relates
24 only to pilotage in ports in the Maritime provinces and
25 that other and perhaps different considerations may apply
26 in respect of the operation by Canadian National Railways
27 of vessels on the Pacific Coast. If it is the intention
28 of the Canadian National Steamship Company to apply even
29 any part of this brief to the operation on the west coast,
30 I submit my lord that it is highly irregular.



1 These representations should have been made
2 when the Commission sat on the west coast and when the
3 other parties interested in the dealings of the Commission
4 had the opportunity of bringing witnesses to contradict this,
5 if such were the case, or to further elaborate on the
6 statements and the presentations made by the Canadian
7 National Railway officials. To that extent I object
8 my lord to this last paragraph of the brief submitted by
9 the Canadian National Railways.

10 MR. DUNCAN: Again my lord this stems from the
11 lack of awareness of those responsible for the preparation
12 of this brief as to whether or not the Commission had in
13 fact held these hearings in the west coast and a complete
14 lack of knowledge of what considerations may apply on the
15 west coast.

16 I cannot say categorically that the Canadian
17 National Railways has nothing to say with respect to the
18 operation on the west coast, but I presume that if some
19 submissions are made with respect to such operation, the
20 Commission will deal with it at that time and perhaps take
21 into consideration the fact that they were not made in
22 time. All I am saying is that this only applies in respect
23 to the Maritimes.

24 THE CHAIRMAN: Yes, that is what I gathered from
25 your last paragraph. You just make a reference there to
26 make sure that we do not get the wrong idea. You are
27 just speaking for here, and not for the west coast. It
28 might be an altogether different proposition. You don't
29 know.

30 MR. DUNCAN: That is exactly what I wanted to make



1 sure.

2 COMMISSIONER SMITH: Was that information about
3 the navigator's salary given in St. John's filed as an
4 exhibit or read into the record?

5 MR. JACQUES: No sir, it was not filed as an
6 exhibit. It was provided to the Commission by the C.N.R.
7 and since that information given was not complete, it
8 merely stated salary, it did not state vacation
9 and it did not state pension and other fringe benefits,
10 but merely the salary, with the name of the ship, which
11 was read into the record. I requested the C.N.R. to complete
12 this information. This request, I believe, has been
13 passed on to the C.N.R. I don't know whether it has been
14 complied with so far.

15 COMMISSIONER SMITH: What information was that?

16 MR. JACQUES: We have a list of all the salaries
17 paid to the members of the crew.

18 COMMISSIONER SMITH: Was that read into the
19 record?

20 MR. JACQUES: The salary of the masters was read
21 into the record.

22 COMMISSIONER SMITH: Only?

23 MR. JACQUES: Only, yes sir, because I did not
24 see any point in reading in the salary of the engineer or
25 deckhand into the record.

26 COMMISSIONER SMITH: I am not complaining. I just
27 wanted to get clear what was in the record.

28

29 RE-EXAMINATION BY MR. DUNCAN:

30

Q. Just one question Captain. My learned friend



1 got some comfort in the thought that as a mariner
2 you use pilots. Were you operating in the service such
3 as Sydney and Port aux Basques?

4 A. No, I was operating between Montreal, in
5 the summer, Halifax in the winter. British West Indies
6 as far south as British Guiana and I also ran for a trip
7 or so to the west coast, right around to Vancouver.

8 Q. How long would your absence be from the
9 particular harbours?

10 A. In that west Sydney run we would be away
11 six weeks. In the British Guiana run, if we were on the
12 Jamaica run, we were away 28 days.

13 THE CHAIRMAN: With regard to the first page of
14 your brief, you divided the service into four categories
15 there. (a) A coastal service to the outports of Newfound-
16 land. I don't suppose that many pilotage dues are paid
17 there, in that service?

18 THE WITNESS: No sir.

19 THE CHAIRMAN: The second category is the one
20 where the brief discussed a ferry service between Sydney
21 Nova Scotia and Port aux Basques, Newfoundland that we
22 have heard about. (c) Is the ferry service between
23 Yarmouth, Nova Scotia and Bar Harbour, Maine, and I under-
24 stand that there is no pilotage service at Yarmouth. Is
25 that correct?

26 THE WITNESS: There is not, as far as I know.
27 That District does not come under me. That comes under the
28 Maritime area.

29 MR. DUNCAN: My lord, might I speak on the record
30 on this point?



1 THE CHAIRMAN: Yes, please.

2 MR. DUNCAN: I believe there is a pilot at
3 Yarmouth but it is not a Pilotage District within the
4 Canada Shipping Act.

5 MR. LANGLOIS: My instructions my lord confirm
6 what Mr. Duncan just said. The lighthouse-keeper takes
7 ships in when they require a pilot.

8 THE CHAIRMAN: Commissioner Smith just told me
9 that too. Now I would like the C.N.R. to furnish for the
10 record a statement as to whether pilotage dues are paid
11 at Bar Harbour.

12 MR. JACQUES: My lord, I don't wish to interfere
13 with your lordship's request, but I have requested this
14 information for the hearing in Montreal and also for
15 C.P.R. as regards their ferries.

16 THE CHAIRMAN: I would like that information
17 because we have so far evidence with regard to the ferries
18 on the Pacific Coast that do not pay, although they should
19 pay.

20 MR. JACQUES: Yes, I admit that my lord. I
21 planned to ask the C.N.R. to supply this information in
22 Montreal.

23 THE CHAIRMAN: That is all right. It is in the
24 record anyway.

25 MR. DUNCAN: My lord, I believe that we do not
26 pay pilotage dues at Yarmouth but I think by a telephone
27 call at noon hour I might be able to get confirmation of
28 this, perhaps, and provide the Commission with oral evi-
29 dence to that effect without calling someone from Moncton.

30 THE CHAIRMAN: With regard to (d) a ferry service



1 between Tormentine New Brunswick and Borden Prince Edward
2 Island, would there be any pilotage dues there?

3 THE WITNESS: No, no pilotage.

4 THE CHAIRMAN: I understand that there is no
5 complusory payment, nor compulsory pilotage at Prince
6 Edward Island. That would be the reason?

7 THE WITNESS: That is correct my lord.

8 THE CHAIRMAN: At Tormentine there is no
9 Pilotage Commission there?

10 THE WITNESS: That is correct my lord.

11 THE CHAIRMAN: Any further questions?

12 Thank you very much Captain Wallace.

13 MR. DUNCAN: That is the case for the C.N.R. my
14 lord. I would like to draw -- I have no observations to
15 make except to draw to the Commission's attention the
16 amount of dues assessed against the two vessels, the WILLIAM
17 CARSON and CABOT STRAIT operating in and out of Sydney.
18 I would invite the Commission to make any comparison as
19 between the amount of that compulsory pilotage in respect
20 to pilotage not used as against the total pilotage of the
21 Sydney District. I think by this calculation you will find
22 this represents 40.163 per cent of the dues payable to
23 this District. I leave it to the Commission to draw its
24 own conclusions and the Commission will make its own
25 findings on this.

26 THE CHAIRMAN: Thank you very much Mr. Duncan.

27 MR. JACQUES: I am ready to start with the
28 Bras D'Or pilots if your lordship is agreeable?

29

30



1 THE CHAIRMAN: I think we should adjourn until
2 2:15 rather than starting a new subject altogether at this
3 late hour.

4
5 ---LUNCHEON ADJOURNMENT.
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1 ---UPON RESUMING AT 2:30 p.m.

2 MR. LANGLOIS: My lord, I am prepared to proceed
3 with the presentation of the brief of the Sydney pilots
4 replacing Captain Huntley by Captain Ryan who is also a
5 member of the Pilots' Committee.

6 CAPTAIN DAVID F. RYAN, sworn

7 DIRECT EXAMINATION BY MR. LANGLOIS:

8 Q. Captain Ryan how long have you been a
9 pilot?

10 A. Twenty-three years.

11 Q. Are you a member of the Pilots Committee?

12 A. Yes sir.

13 Q. Did you have anything to do with the
14 drafting of the brief submitted by the Sydney pilots?

15 A. Yes sir.

16 Q. Are you conversant with the contents of
17 this brief?

18 A. Yes sir.

19 Q. Captain Ryan you have listened to the
20 testimony of Captain Huntley and taking on from where we
21 left off this morning, when I was questioning Captain
22 Huntley about the pilot boats, would you tell the
23 Commission whether or not your pilots are satisfied with
24 the equipment presently fitted into these pilot boats?

25 A. At the present time?

26 Q. Yes?

27 A. Yes. The pilot boats are fairly well
28 equipped, with the exception of number 3. I would like to
29 see a radar installed on pilot boat number 3. Number 4
30 has a radar. They both have telephones.



1 Q. What use would be made of this radar?

2 A. Well, in thick weather, that is a one-man
3 boat and he has to look after the operation of the boat
4 and naturally in fog visibility is limited. In any case,
5 when you have your steering to do and watch your compass
6 and gauges for your engine temperatures and pressure, you
7 have very little opportunity to keep a look-out. Where,
8 if you had a radar, it would be of considerable assistance
9 to him.

10 Q. Is pilot boat number 3 used to do outside
11 work?

12 A. Just on occasion when number 4 is out of
13 commission through breakdown, then she is called upon to
14 do outside work.

15 Q. Is there any other equipment that you
16 would like to see fitted into these boats?

17 A. Well no. They are adequately equipped
18 with radio-telephone equipment. They have telephones and
19 other marine necessities. I would say with the exception
20 of the radar is about the only outstanding one, I would
21 say, we require.

22 Q. You employed the plural when you mentioned
23 telephone. Is there more than one telephone set on board
24 each boat?

25 A. The number 4 -- each boat has its telephone
26 set and in addition to that, number 4 has a set which has
27 been installed recently which is on search and rescue, to
28 be only used on search and rescue which number 4 has been
29 assigned to lately.

30 Q. What would you call this type of set?



1 A. I don't know the exact name. It's a small
2 set. It's only to be used on that, on the occasion that
3 the boat would be sent on search and rescue, otherwise it's
4 not to be used at all.

5 THE CHAIRMAN:

6 Do you know on what wave-length this set
7 operates?

8 A. No sir, I couldn't tell you.

9 Q. Do you have a copy of the brief in front
10 of you? Would you turn to page 7 of your brief where
11 mention is made of the taking over of the pilot boats by
12 the Department. Would you briefly state what took place
13 on that occasion?

14 A. I think it was in 1950, prior to 1950 the
15 pilots purchased, built and completely maintained the
16 pilot boat. In 1950 I think it was the Department took
17 over the operating expenses and at that time the pilots,
18 or after that rather the pilots still operated the boats
19 and hired the men, but at the end of each month your
20 vouchers were sent in to Ottawa of your expenses and we
21 were reimbursed from Ottawa for the expenses which were
22 incurred on the pilot boats.

23 In 1960, I think it was in February 1960,
24 the Department took over control and operation and hiring
25 of the pilot boats. Since that time the pilots have had
26 very little to do with the operation of the pilot boats
27 except to use them as we need them. All expenses were
28 taken over, and operation was done from Ottawa.

29 Q. You mean to say prior to the taking over
30 by the Department the two boats were operated and maintained



1 and manned by the pilots?

2 A. Yes sir.

3 Q. How was the construction of the pilot
4 boats financed?

5 A. It was financed out of pilots' revenue.

6 Q. Was it necessary for a pilot to borrow
7 money to do major repairs or to pay for the cost of
8 construction of these boats?

9 A. No. Not in my time. Previous to my time
10 I am not too familiar with, but in my time any repairs
11 that were made to pilot boats, while the pilots were
12 operating them, the bills were sent to the pilots and we
13 certified the bills and they were paid from the pilotage
14 account.

15 Q. I have here a letter dated November 30,
16 1940, addressed to Captain Noel, superintendent of pilots
17 at Sydney and signed by J.G. Macphail, director of marine
18 services. Tell me if this letter comes from your files
19 in the pilotage office.

20 A. Yes sir, that letter is from the files of
21 the pilotage office.

22 Q. I can read this letter into the record.
23 This letter reads as follows:

24 "Referring to your letter of the 29th
25 October, I am to inform you that the Honourable
26 the Minister of Pilotage Authority for the
27 Pilotage District of Sydney has approved the
28 request of the pilots' Committee that:
29 (1) a sum not to exceed \$20,000.00 be placed
30 in the 'undivided surplus account' to be used



1 "when it is decided to build a new pilot boat;
2 (2) any pilot, either temporary or permanent,
3 who may retire before this sum is used, shall
4 have no claim against this 'undivided surplus
5 account';

6 (3) by-law number 8 (b) be revised, for the
7 period of hostilities, whereby during this time
8 the pilots' maximum earnings, as set out in
9 this by-law, shall not be limited to \$4,500.00
10 per annum as provided therein.

11 "Please be good enough to inform the
12 Pilots' Committee and also see that all the
13 pilots are advised accordingly.

14 "The necessary action to amend by-law
15 number 8 (b) will be taken shortly."

16 And that is signed J. G. Macphail, director of marine
17 services.

18 The amount of \$20,000.00 which was placed,
19 according to this letter, into the undivided surplus
20 account, was it ever reimbursed to the pilots?

21 A. No sir, and that twenty-thousand was taken
22 out for two years, not one. 1940 and 1941.

23 Q. Taken out from the pilotage revenue?

24 A. Yes.

25 Q. It was taken for two years?

26 A. For two years, 1940 and 1941.

27 Q. And it was never reimbursed to the pilots?

28 A. No sir. It went towards paying off the
29 new boat which we were in the process of building at that
30 time.



1 Q. How much did that new boat cost?

2 A. Approximately \$38,000.00. I don't know
3 the exact figure. It was approximately \$38,000.00.

4 Q. So this new boat was more than paid out
5 of these two deductions? (2 x 20,000⁰⁰)

6 A. Yes, those two deductions paid for the
7 boat.

8 Q. Now do you think that two boats are
9 necessary to adequately service the port?

10 A. Absolutely.

11 Q. What would be the effect of only having
12 one boat?

13 A. Well it would have different effects. It
14 would have the effect of slowing down service and it would
15 also have the effect of considerable, although it is not
16 possible to estimate the amount, extra expense to the
17 pilots for taxi services. If your boat was -- say you had
18 one boat and she was at the entrance of the harbour to
19 service a ship and you had a call to go to Sydney for a
20 ship to go out, or to shift a ship, I have got to take a
21 taxi to Sydney and back.

22 COMMISSIONER SMITH: Would it reduce the margin
23 of safety as well?

24 THE WITNESS: Possibly sir it would. The margin
25 of safety possibly would not come into it there because we
26 would only have one boat, and it can only be one place at
27 a time. The other ships would have to wait.

28 In the case of breakdown of our only boat,
29 which we have had in the past experience, not very often,
30 where we had to depend on private boats, this is most



1 unsatisfactory.

2 COMMISSIONER SMITH: While the other boats were
3 waiting, something might happen to them.

4 THE WITNESS: It would involve more delays than
5 danger. A ship alongside the dock waiting to go to sea,
6 and waiting for a pilot, the additional risk may not be
7 any more, but it would mean delay to the ship, waiting for
8 the pilot to get there.

9 Q. In the case of breakdowns, since you
10 mention breakdowns, to one of the pilot boats, these
11 replacements which could be obtained from individuals,
12 would they be of the same class and fitted with the same
13 equipment as the pilot boats are?

14 A. No sir. There isn't another boat in the
15 harbour equipped as the pilot boats are. Those small boats.

16 THE CHAIRMAN: I understand that two boats are
17 used simultaneously?

18 THE WITNESS: Yes sir. Quite often they are both
19 gone at the same time.

20 THE CHAIRMAN: And the larger boat goes to the
21 fairway buoy?

22 THE WITNESS: Seaward buoy, yes.

23 Q. Now I come to this paragraph entitled
24 "Dues" page 7 of your brief. Are you satisfied with the
25 present basis of computing pilotage dues?

26 A. Not completely, sir, due mostly to the
27 variance in net tonnages of ships. We have ships coming
28 in and on two different occasions the tonnage is different.
29 Once it could be six or seven hundred tons less than the
30 ship before, although it is carrying an identical amount



1 of cargo. They would have re-measured and some way or
2 another cut down the tonnage, and naturally that cuts down
3 the pilot's revenue although the work was exactly the
4 same because a ship carrying sixteen thousand tons is
5 still carrying the same amount of ore.

6 Q. Can you tell me the amount of revenue
7 that is thus lost to the Pilotage District of Sydney?

8 A. Well, no sir, I wouldn't care to say that.

9 Q. Would you be prepared to say there is a
10 substantial amount of revenue lost?

11 A. Over a period of years it would be.

12 Q. What basis of computing the pilotage dues
13 would you suggest?

14 A. Well, there is either gross tonnage which
15 we figure is an easier tonnage -- that is better than
16 dead weight. I don't think we thought so much of this
17 length, breadth and depth end of it but it seems, working
18 in net tonnage seems to be the most unsatisfactory way
19 there is at the present time.

20 Q. Now, how are the dues computed for movages
21 and compass adjustments and other similar services rendered
22 by pilots?

23 A. There is a scale set down, sir, by the
24 district evaluated on ships under three thousand net
25 tonnage at \$15.70 for a ship and for ships over three
26 thousand net tons tonnage, \$23.60 for a ship. A dead ship
27 is assessed at 50 percent of those rates.

28 Q. When you mention tonnage are you referring
29 to net tonnage?

30 A. Well, there hasn't been any complaints



1 about charges for ships on the present basis because it
2 doesn't enter into it so much, these reduced tonnages as
3 inwards and outwards because reduced tonnage is mainly
4 on larger ships that will still come over three thousand
5 tons net and are still paying the same for three thousand
6 or six thousand for a ship.

7 Q. In your estimation is any substantial
8 portion of revenue lost through failure to collect from
9 ships subject to the payment of pilotage dues but not
10 taking pilots and visiting Sydney without reporting to the
11 Pilotage Authority or the customs office?

12 A. No, sir, a very minor item of loss that
13 way.

14 Q. Now, I come to page 8, method of
15 remuneration of pilots. Would you tell the Commission as
16 to whether or not you are satisfied with the present
17 method of remuneration?

18 A. Yes, sir, we think it is fair. The
19 pilotage dues are collected here and deposited to the
20 pilotage account and out of that, the first charge being
21 sixteen percent for pension purposes, and then the
22 legitimate expenses of the pilots, and what is left over
23 is shared between the pilots, share and share alike.

24 Q. Mention is made in this paragraph of the
25 16 percent payment to the pension fund. Would you care
26 to tell the Commission what your views are on this 16
27 percent taken from the gross revenue towards pensions?

28 A. We are quite satisfied on that at the
29 moment. As a matter of fact this started more or less
30 about ten years ago, 16 percent at the instigation of the



1 pilots. At that time we were paying 7 percent and our
2 pilotage pension funds, you might say, were in desperate
3 shape and we wanted to see it improved. We approached
4 the Department at that time to take the increase in
5 surcharge to a ship to go completely into the pension
6 fund with a view to improving it. After considerable
7 negotiations this surcharge of $7\frac{1}{2}$ percent was granted, I
8 think it was 1954 and a couple of years after it was
9 incorporated into the rates. Our pension contributions
10 at that time were 7 percent. It increased to 16 percent,
11 $7\frac{1}{2}$ extra was the surcharge plus an additional $1\frac{1}{2}$ charge
12 against the pilots.

13 Q. This 1954 surcharge, was it an overall
14 surcharge or only on certain movages or jobs?

15 A. It was on inwards and outwards shipping.
16 I don't believe that surcharge was put on shifts at that
17 time although I am not certain, but it was put on all
18 inward and outward pilotages.

19 Q. Are there any increases in your rates
20 prior to 1954 or say, in the last 13 years or so?

21 A. Well, the first increase the pilots had
22 was in 1947. I think there was an increase of 30 percent.
23 Up until 1947 we were on the rates, as far as I know,
24 that started in 1923. From then until 1947 there was no
25 increase, no adjustments made. In 1947 due to the cost
26 of living and volume of shipping and everything else
27 there was an increase in rates of 30 percent.

28 Q. Was that an overall increase?

29 A. Overall increase.

30 Q. Yesterday you were in this room when the



1 Dosco brief was presented and mention was made of the
2 preferred rates benefitting at that time Dosco. Would
3 you tell the Commission when these preferred rates were
4 first established and then when they were abolished?

5 A. Well, I can't say when they were established.
6 They have been in force for a considerable number of years
7 before my time on the pilots, and I think before the time
8 of any of the present pilots. These rates came in I
9 think about 1923, although I am not certain, and they
10 were abolished in 1947 when this 30 percent increase came
11 through. They also abolished the preferred rates for
12 Dosco.

13 Q. What was the reason behind these preferred
14 rates and what did they amount to?

15 A. The reason behind the preferred rates --
16 I am not prepared to say with certainty, but I understand
17 that years ago Dosco was the major employer of pilots.
18 Their volume of shipping at that time was much greater
19 than it is today and possibly for that reason they looked
20 for and received preferred rates, although this is my
21 own opinion on it. It was abolished in 1947. I remember
22 at the time I happened to be one of the Committee -- we
23 were in Ottawa and the Minister of Transport at that time,
24 Mr. Chevrier, made the statement, and of course, this is
25 from memory, that he didn't see why any company should
26 have preferred rates. If they were carrying cargoes they
27 should pay. So at that time in addition to the 30 percent
28 the preferred rate was abolished.

29 Q. These preferred rates would amount to a
30 reduction of about what?



1 A. About one-third roughly, about two-thirds
2 of what the normal rate would have been.

3 Q. Did that apply to all the rates, ships
4 and movages as well as in and out pilotages?

5 A. No, just in and out pilotages.

6 Q. Just in and out pilotages. After 1947
7 what was the next increase in rates?

8 A. It is marked down there. I don't
9 remember the year. It is marked on one of those sheets
10 of paper there.

11 THE CHAIRMAN: You may go and consult them.

12 THE WITNESS: The next increase was August 27th,
13 1951, 7½ percent increase overall.

14 Q. Overall?

15 A. Overall increase.

16 Q. What was the next after that?

17 A. The next increase was August 1st, 1954,
18 7½ percent increase. That is the one that went to the
19 pension fund. There was no increase in shifts at that
20 time. The next one was August 24th, 1957, 7½ percent
21 overall increase. June 9th, 1960, 5 percent increase to
22 compensate pilots for the loss of revenue when they moved
23 the exemption from 250 tons to 1,000 tons.

24 Q. Was this increase of 5 percent, the last
25 one, requested by the pilots?

26 A. No, sir.

27 Q. Were they consulted?

28 A. I wouldn't say so much we were consulted.
29 We were informed that it was being considered. We weren't
30 consulted. As a matter of fact it was two or three days



1 before the pilots knew about it, that it was dated in
2 Ottawa before the pilots learned of it.

3 Q. In other words you were advised by
4 Ottawa that these new rates had been made effective two or
5 three days before you actually received the information?

6 A. Yes, in fact we were a couple of days
7 late with the extra charge.

8 Q. Were you also consulted in connection with
9 the raising of the exemption to 1,000 tons net?

10 A. Well, we knew that small ship owners had
11 been complaining to the Department at Ottawa about paying
12 pilotage rates. We knew that. We weren't informed as to
13 when the exemption was going through. We knew the small
14 ship owners were asking for it but the first notification
15 we had is this Order in Council had been passed and they
16 were exempted and we received the 5 percent.

17 Q. Would you now tell the Commission as to
18 whether or not this 5 percent increase was sufficient to
19 compensate for the loss of revenue derived from the raise
20 of the exemption to 1,000 tons?

21 A. Well, I wouldn't care to make a hard and
22 fast statement on it. I would say it is as much as ever
23 because there was considerable shipping in here between
24 250 to 1,000 tons which we lost. Of course, other ships
25 paid the extra assessment. I wouldn't care to state
26 whether the pilots actually lost, to be frank with you.
27 We don't keep records of small ships that came after that
28 because we weren't concerned. I don't think we gained
29 anything because we lost considerable small shipping.

30 Q. Now, I come to the chapter dealing with



1 Qualifications of the Pilots. Do you believe that the
2 qualifications required for the licensing of pilots should
3 be modified in any way?

4 A. Well, the way Canadian shipping has in the
5 last number of years been going down it is becoming harder
6 for a Canadian to qualify, to serve two years as a
7 deck officer on a Canadian ship. That limits the applicants
8 who might want to serve on these, to receive qualifications
9 because there is no shipping here. We have three Canadian
10 ships running here. The rest -- I won't say foreign, but
11 British flag ships which, of course, have British crews
12 and it cuts down the opportunity for Canadian people or
13 local people to get the training.

14 Q. Will you have any suggestions to make in
15 this regard?

16 A. No, not off-hand, I wouldn't care to make
17 any recommendations.

18 Q. Now, I come to this chapter entitled
19 Number of Pilots on page 9. What in your opinion, sir,
20 is the minimum number of pilots that should be on the
21 roster as active pilots in order to ensure the efficient
22 and safe despatch of ships in Sydney?

23 A. With present volume of shipping I would
24 say not less than ten.

25 Q. Not less than ten. What would happen
26 if the number fell below ten?

27 A. Well, I suppose you could carry on like
28 you carry on almost anywhere when you are short-handed,
29 but it wouldn't be a good situation because we have time
30 off, although we are strictly -- on time off we are on



1 standby. For the so-called time off if the pilot on duty
2 at that time: say we are short, you just go. You are not
3 strictly off-duty. You are on standby on time off. If
4 you are required to go you go. I would say that would
5 happen oftener if you went below ten.

6 Q. Do you think, sir, that the minimum of
7 ten pilots would be sufficient to take care of pilots who
8 are on leave, sickness leave, other leave or pilots being
9 away on compassionate grounds and other reasons? Do you
10 think that ten could take care of all those eventualities
11 and still give adequate service to shipping?

12 A. It is the general practice among the
13 pilots if a man is sick we double up, a man is off on
14 compassionate grounds we double up. We are just in the
15 habit of doubling up if there is a man off for some reason
16 or another. As far as annual leave, it has never been an
17 issue, because the winter here due to ice conditions is a
18 fairly slack period and that is when we take our time off
19 which doesn't interfere as a general rule, with shipping.

20 Q. While we are on the subject of sick
21 leave, do your pilots carry sickness insurance?

22 A. As a group?

23 Q. As a group?

24 A. No, sir.

25 Q. As a group do they carry accident insurance?

26 A. No insurance of any kind.

27 Q. Are you eligible for the Workmen's
28 Compensation Benefits?

29 A. No, sir.

30 Q. Unemployment insurance benefits?



1 A. No, sir.

2 Q. Do you have any insurance on your
3 certificates, your pilots' licenses?

4 A. Just through the Guild.

5 Q. Just through the Guild?

6 A. Yes.

7 Q. Is that insurance coverage or just a
8 benefit derived from your association with the Guild?

9 A. Benefits derived from our association with
10 the Guild.

11 Q. Do the benefits provided by the Guild
12 compensate the pilots for loss of earnings if his licence
13 is cancelled?

14 A. No, sir.

15 MR. JACQUES: Surely there must be a written
16 document of the benefits available to the pilots through
17 joining the Guild?

18 MR. LANGLOIS: I would be very pleased to file
19 the document in question.

20 MR. JACQUES: Thank you.

21 MR. LANGLOIS: I don't think it is available,
22 but I could send it by mail.

23 MR. JACQUES: We could give it a number now
24 and have it sent to the Commission later on.

25 THE SECRETARY: Exhibit 404.

26 MR. LANGLOIS: I will give you the proper
27 description. Exhibit 404 would be Canadian Merchant
28 Service Guild Constitution, Rules and Regulations. Captain
29 Cobham has a spare copy. We can file it right now.
30



1 ---EXHIBIT NO. 404:

2 Canadian Merchant Service
3 Guild Constitution, Rules and
4 Regulations.

5 Q. In this same chapter under the heading
6 of Number of Pilots, mention is made that you are agreed
7 that if reduction in staff takes place no replacement will
8 be asked for. When do you expect that due to normal
9 reduction in staff that the number of pilots on staff will
10 be reduced to ten?

11 A. I would say within the year, sir.

12 Q. Within a year. Now, turning to the
13 chapter headed Pension Scheme. Are you satisfied with
14 your pension scheme at the present time?

15 A. At the present time, yes, sir. The
16 pension purchase plan to us is satisfactory. It was
17 introduced four or five years ago because our deficit had
18 been worked out, and now we receive the benefits that we
19 have paid for. In other years we didn't receive the bene-
20 fits, that is in proportion to the amount we were paying
21 in, but at the present time we do.

22 Q. Now, Captain Ryan, I see that in this
23 same chapter you make the following reservation: "We feel
24 that a conservative outlook is maintained by the actuarial
25 branch of the administration of same". What do you mean
26 exactly by that?

27 A. Well, we could be wrong on this. It is
28 our opinion that the actuarial branch is very conservative
29 in their estimate of the benefits that would accrue to the
30 pilots from the amount of money that we have in the fund.
At one time there was quite a large deficit and somebody,



1 I couldn't say who it was, started to shake up the
2 insurance branch, who up to that time didn't take much
3 interest in the fund except to administer, and they found
4 that all the districts had a large deficit. Some remarks
5 made by different people at that time about the insurance
6 branch weren't too complimentary. I might say that was
7 not our pilots. Since then we feel they have been rather
8 conservative to make sure they never get into any financial
9 deficits again. In our pension by-laws they have to
10 review our actuarial standing, I suppose you might call it,
11 every five years. This fall will be our first review. We
12 are very much interested in seeing what this review will
13 show. We are of the opinion that this review will show
14 that the pilots will have produced greater interest within
15 the fund than as is at the present time indicated.

16 Q. Am I to understand that your complaint
17 is of playing a bit too safe?

18 A. Playing safe.

19 Q. Now, I come to this chapter under the
20 heading of Pilotage Board. Would you care to elaborate
21 or further explain the recommendations that you are
22 submitting to the Commission in this respect?

23 A. Well, in the past from time to time we
24 have found, perhaps, you might say, it has been rather diffi-
25 cult to get satisfactory replies from Ottawa. Of course,
26 we don't know the reasons for this, but we figured it was
27 due to the fact that it was a large department and replies
28 came from one to another one to another one and passed all
29 along the line and finally you don't know who to go to to
30 get an answer. We figured if there was a Pilotage Board



1 with one or two men responsible for pilotage then you
2 would know who to go to, who would be the one responsible
3 to give you some kind of decision or answer.

4 Q. Would you have any suggestions to make
5 as to the formation of this Pilotage Board, who should
6 be represented on same and so on?

7 A. Well, no sir. After the Audette Inquiry
8 we did make recommendations at that time that the Pilotage
9 Board should be increased. We figured there wasn't enough
10 at that time, there should be an increase of the Pilotage
11 Board and that would include one pilot who would be
12 appointed to the Board as representative of the pilots.
13 As it turned out there was never a pilot put on the Board,
14 but it was certainly increased. At one time there was
15 Mr. O'Malley, a secretary, Captain Slocombe, Captain Kerr
16 and Mr. Anderson -- there may have been more than five,
17 as far as I know. Anything we ever wanted to know we got
18 in touch with Mr. O'Malley and we weren't too long -- I
19 wouldn't say their answer always pleased us, but we did
20 get a reply. Since that time we don't seem to have too
21 much satisfaction, although I must say in the last while
22 that, Sydney hasn't had too many large complaints. At the
23 present time through our Superintendent, Captain Parker --
24 he has always been very co-operative and generally, as
25 much as possible, he will assist us in any way he can.

26 Q. Now, appended to your brief are the
27 following schedules, Schedule A, B, C, D, F, H and I.

28 Would you tell the Commission where you
29 obtained the statistics and information contained in these
30 schedules?



1 A. I would say mostly from our own records
2 and the records kept in the pilotage office.

3 Q. Now Captain Ryan yesterday mention was
4 made about the aids to navigation in the Sydney harbour.
5 Are your pilots satisfied with the present aids to
6 navigation within the limits of your pilotage district?

7 A. With two exceptions, sir, I would say
8 they are satisfied. The exceptions are the south-east
9 bar fog-horn and battery point range lights.

10 Q. What would you suggest in these examples?

11 A. Well if the south-east bar fog-horn could
12 be re-established in its former position, it would be
13 quite satisfactory.

14 Q. Where was its former position?

15 A. It was in the lighthouse at south-east
16 bar and now it has been moved on the sandbar, I think
17 somewhere I saw 1475 feet from the light.

18 Q. How long was this fog-horn installed and
19 operated from the lighthouse?

20 A. I have no idea. For years and years.

21 Q. Do you know the reason why it was moved
22 away from it?

23 A. They claim that it was due to dampness.
24 This system they have, this microwave system for starting
25 up their generators to get the horn going, they said due
26 to dampness it was not reliable. Prior to that time it
27 was manually attended.

28 Q. What is the importance of this fog alarm?

29 A. Well ships coming in, that is the turning
30 point to go up to Sydney and at that point of turning if



1 you are coming by the sound of a horn and you keep coming
2 by it, it is strictly guesswork as to how far you are by
3 it, whether you make the turn too early or too late.

4 Q. I saw, sir, on the chart the approaches
5 to Sydney and not too far away from the Sandy Point light-
6 house, and also not too far away and on the starboard end
7 side as you come into the harbour there is a bell buoy?

8 A. Yes.

9 Q. Could it not be used to indicate to
10 masters when it is time to turn into the course to Sydney?

11 A. No. Quite often when you have fog, heavy
12 fog you have calm weather and that bell is not ringing.

13 Q. This buoy is no solution to your problem?

14 A. No sir.

15 Q. Is the Sydney harbour provided with
16 winter buoys at the close of normal navigation season?

17 A. No, sir, none at all. I shouldn't say
18 none at all. Up in Sydney River we have three wooden
19 spars which are there year round. They are not changed.
20 Just left there all winter season. The buoys that are
21 taken up in the fall of the year there is no replacement
22 anywhere of spar buoys or winter buoys.

23 Q. Am I to understand that during the
24 winter period ships coming in and out of harbour have no
25 floating aids to navigation to rely on to be guided by?

26 A. No sir, none at all.

27 Q. Not even winter spars?

28 A. No sir.

29 Q. Would you care to tell the Commission
30 when normally the buoys are removed in the fall?



1 A. Well I would say the first part of
2 January, last part of December. That is on the inner
3 buoys and the outer fairway or sea buoys are sometimes
4 left a little longer, until the danger of ice comes along
5 and then they remove that.

6 Q. When are they then put back? In the spring?

7 A. Well this year they were put back a week
8 ago, last Saturday. It would be about May 22nd, 23rd. A
9 week ago Saturday they were relaid.

10 Q. How long has the harbour been free from
11 ice?

12 A. Oh approximately a month or more.

13 Q. How would you explain the delay in putting
14 these buoys back into position?

15 A. It is understandable in a sense, because
16 the buoys all along the coast have to be removed and of
17 course it takes time to get them back down again. We have
18 maintained in the past that Sydney should be one of the
19 first places where they are relaid because there is more
20 traffic here than any of the other harbours, with the
21 exception of Halifax where they are never removed.

22 Q. Would this apply also to the fairway
23 buoy outside?

24 A. Yes sir.

25 Q. She is removed also?

26 A. Yes, everything. As a matter of fact,
27 some years ago, ten years ago possibly, they were late
28 taking up the fairway buoy and it was picked up by a
29 Norwegian ship 60 miles out of Liverpool. The ice took
30 it.



1 Q. Does it occur very often that before the
2 buoys are taken up in the winter, the position is changed
3 due to running seas or even ice floes if kept in position
4 that late in the year?

5 A. No sir. They are always taken up before
6 ice has a chance to bother them.

7 Q. But generally speaking are the buoys of
8 the harbour of Sydney quite reliable or are they subject
9 to being shifted in their position?

10 A. No. I would say they are fairly
11 reliable. They are very seldom shifted on account of
12 weather and seas. Very seldom shifted.

13 Q. Have you had occasion in the past to make
14 representations to the District Marine Agent in order to
15 expedite the placing of the buoys into position in the
16 spring of the year?

17 A. Well yes, periodically we request, through
18 our superintendent, that buoys be put down. Of course,
19 he would pass on our request to the marine agent.

20 Q. Now Captain Ryan would you tell the
21 Commission what is the average, under normal weather
22 conditions, duration of a job of taking a ship either into
23 Sydney from the fairway buoy or out from any of the docks
24 in Sydney to the fairway buoy?

25 A. Well the average time, I would say, would
26 be say on a ship coming in I would say possibly three hours.
27 That would include an hour, roughly, to go out to the ship
28 and an hour and a half approximately to bring the ship into
29 dock, and then half an hour or so to get back to our pilot
30 station.



1 Q. In your experience what has been the
2 longest that you have taken to do a similar job?

3 A. Well it all depends. I mean exceptional
4 circumstances -- a couple of years ago there I boarded a
5 ship. The Irving Glen is the name. You just couldn't --
6 blizzard and gale wind, you just couldn't get off her. I
7 landed in Halifax and got home a couple of days later. I
8 mean that is exceptional.

9 Q. How often would that occur in a year?

10 A. Oh no, I wouldn't say -- that might occur
11 once, or twice in a year. Not to the same pilot I don't
12 mean. Overall.

13 Q. Now during the winter months what would
14 be the average duration of a job of this kind?

15 A. It is almost impossible to say sir what
16 an average duration would be. You may in a winter month
17 board a ship and could have as quick a despatch as you would
18 in the summertime. The next day you may go aboard a ship
19 and due to ice conditions you will be bucking the ice all
20 day and half the night. I have seen myself board a ship
21 at night-time, 9 o'clock at night and get as far as around
22 one or two o'clock in the morning, the skipper wouldn't go
23 any further, wouldn't take any more bucking to his ship. I
24 was there until daylight, and then the ice-breaker would
25 come in and break a path, noon before you get finished. It
26 is hard to arrive at an average time.

27 Q. Have you ever experienced difficulties
28 in boarding ships outside, close by to the fairway buoy
29 owing to stress of weather?

30 A. Oh yes. I mean there are numerous times



1 over the years when you just find it impossible to board
2 them. You go out there and maybe the ship, and I might say
3 you have to have a sturdy boat to get out there, and then
4 you can't get alongside the ship. It is impossible. You
5 lead the ship in until you get in where it is smooth enough
6 to go alongside to get aboard the ship.

7 Q. Would you tell the Commission which is
8 the hardest to do, board a ship outside or to disembark
9 from a ship?

10 A. Well I would say offhand disembarking
11 would be riskier in the sense, because when you are boarding
12 a ship you ride up and down on the crest and you watch
13 your chance, and the ladder is ahead of you. You are looking
14 at it, and when she rides the crest, you jump for the
15 ladder when you can, if you are close enough, otherwise you
16 wait but when you are coming down that ladder, you get down
17 so far before you reach the deck of the pilot boat and you
18 have your back to it, and then the pilot boat is coming up
19 on the crest and she is just liable to come in and crush
20 you around the knees, or something else and those are
21 things you have to watch for coming off a ship.

22 Sometimes you scramble up the ladder
23 again to get clear of the pilot boat because she gets on
24 a crest of the sea -- our boatmen are very good but you
25 just can't watch her under certain conditions, a foot or
26 two of sea throws her against the ship. You have to be
27 ready to jump off your ladder on to the pilot boat and
28 sometimes the pilot boat just happens to break away from
29 you and instead of dropping perhaps a foot or two feet,
30 you find yourself dropping six or seven feet and the jar,



1 when you expect a two foot drop and you drop a good six
2 or seven feet, the jar is a little different. You feel it
3 more.

4 Q. In the winter would you have ice on the
5 deck of your pilot boat?

6 A. Yes. Not continuously but quite often.

7 Q. To your knowledge are the pilot boats
8 equipped with stores of food in cases of accident or
9 breakdown or other mishaps?

10 A. No sir, there are no stores kept aboard
11 at all; none at all. I won't say none at all. The boatmen
12 do there own vittling and may have or may carry a little
13 bit with them for their own use. There is no emergency
14 rations kept on board any of our boats.

15 Q. Do these boats carry life-rafts?

16 A. Yes sir.

17 Q. Life-boats?

18 A. One of them does. Number 4 has a dory,
19 which to the pilot is preferable to any life-boat. We have
20 rafts as well.

21 Q. Are these rafts or dories provided with
22 the ordinary emergency rations?

23 A. No sir.

24 Q. Are they part of a life-boat craft?

25 A. No sir.

26 Q. Have there been any injuries suffered by
27 pilots while embarking or disembarking from vessels outside?

28 A. No serious injuries, sir. Like a
29 sprained ankle, something like that they might get jumping
30 from the ladder to the boat, but I don't remember any pilot



1 having a serious injury.

2 Q. Are you satisfied with the dealings of
3 your Pilot Committee with your supervisor of pilots here?

4 A. Yes sir.

5 Q. Your witness, thank you.

6 COMMISSIONER SMITH: My lord I would like to
7 ask the witness a question or two arising out of a subject
8 brought up by Mr. Langlois.

9 I think he put this question to you with
10 regard to the satisfactory or unsatisfactory conditions of
11 the present formula for the application of the pilotage
12 tariff and I think your answer was that consideration should
13 be given to changing it to the gross rather than the net
14 tonnage or measurement. Now has any thought been given to
15 the question of the application of a formula on the basis
16 of per foot of draught of the ship?

17 THE WITNESS: We have never considered that
18 here sir.

19 COMMISSIONER SMITH: The reason I asked is this:
20 there are very many places in the United States, and very
21 important places, Sandy Brook pilots, the San Francisco
22 tariff, New Orleans, Boston and many others that apply the
23 per foot of draught formula in the assessment of pilotage
24 dues. The question originally in my mind was why that
25 sort of formula would not go here in Canada because any
26 place that we have gone, I cannot recollect where anybody
27 recommended that formula. You say it would not go here.
28 For what reason?

29 THE WITNESS: I would not go so far as to say
30 it would not go here, but the ships are getting larger.



1 Ships are doubling and tripling in size, where the draught
2 is probably increasing two or three or four feet and from
3 what -- of course we have no local knowledge of this but
4 from what I have heard from time to time, some ports now
5 that have the draught are also bringing in a tonnage charge
6 to compensate for these larger ships whose draughts have
7 increased only by perhaps a foot or two on account of their
8 length and breadth, carrying double and triple cargo
9 although the draught has only increased very nominally.

10 COMMISSIONER SMITH: That seems to be a
11 reasonable explanation. The fact remains that these other
12 places I have mentioned have the per foot of draught
13 formula. One place in the United States in Portland, where
14 they have the dead-weight tonnage formula is the only one
15 that I came across. Another question Captain, you mentioned
16 some recommendation in the Audette Report. I did not quite
17 follow what you meant. I think Mr. Langlois asked you
18 something about the establishment of some other system in
19 Ottawa to replace the present one.

20 THE WITNESS: Yes. Well the reference I made
21 to the Audette Report was that we made representations at
22 that time to the Audette Inquiry Board that there would be
23 a pilot appointed from somewhere in Canada who would be
24 in Ottawa in charge there as the pilots' representative.

25 COMMISSIONER SMITH: As advisor to the Minister?

26 THE WITNESS: Yes, or to the Director of
27 Marine Services, whoever was administering policies at
28 that time.

29 COMMISSIONER SMITH: I have the Audette Report
30 here and as you say, there was a recommendation made I



1 think by the Guild.

2 THE WITNESS: Yes, by the Pilotage represen-
3 tatives.

4 COMMISSIONER SMITH: That a pilot be advisor
5 to the Minister on some kind of a rotating system where one
6 would be selected from different pilotage districts?

7 THE WITNESS: Yes, from time to time.

8 COMMISSIONER SMITH: As time went on, but the
9 Audette Report said, to use their own language, they would
10 not agree with this innovation.

11 THE WITNESS: That is right sir.

12 COMMISSIONER SMITH: Apparently that was the
13 end of it?

14 THE WITNESS: It stopped right there. There is
15 nothing further. There is no other action taken after that
16 on it.

17 COMMISSIONER SMITH: Thank you.

18

19 CROSS-EXAMINATION BY MR. EARL JOHNSON:

20 Q. My lord, gentlemen, I have a few
21 questions I would like to ask the witness pertaining to
22 this brief. May I refer them to page 4, paragraph 2. In
23 page 4 they refer to the reporting which did away with the
24 need of a pilot keeping a 24-hour watch for ships arriving.
25 I believe during the hearing it was indicated that the
26 pilots are on a 24-hour watch basis. I wonder if they
27 would clarify that.

28 A. Well, up until this time the pilot had
29 to keep a continuous 24-hour lookout, day in and day out,
30 month in and month out, for ships that never appeared you



1 might say. Staring out that window hour after hour after
2 hour is what they objected to. At that time, when the
3 system was brought in, it came midnight we wanted to go to
4 bed. That is why we wanted the E.T.A. so we could get
5 notice of when a ship was coming in instead of looking for
6 two or three days. When this system was brought in of
7 E.T.A.'s three hour notice, when it became midnight, when
8 there wasn't any sight or order of any ships, we argued
9 that a pilot should be able to go to bed if there is nothing
10 for him to do. Instead of that, one had to sit in the
11 window and sit there night after night and week after week
12 without a light showing on the ocean. That is what we
13 objected to and that E.T.A. business was brought in. Now
14 if it is late at night and there is nothing on the board,
15 no orders, the pilot will go to bed and if there is a ship
16 which comes in at 4 o'clock, the E.T.A. comes in on that
17 ship at 1 o'clock in the morning the V.C.O. will call us.
18 The pilot will get up and be up and ready to service that
19 ship.

20 Q. You are referring just to the watch, the
21 look-out for ships more so than being on 24-hour watch?

22 A. Yes. Just the same as in the days when
23 there was no wireless, you had to keep continuous look-out
24 for some ship that might appear.

25 Q. On page 5, paragraph 2 also, you refer
26 to a number of wharves in the harbour that have been in
27 use for many years and are not entirely suited to the type
28 of ships in use today, and as tug-boat service is very
29 limited, extra precautions must be taken by the pilots in
30 docking and undocking ships. Now is it not a known fact



1 that bunker ships coming into Sydney on numerous occasions
2 do not use tug-boats at this dock?

3 A. That is correct.

4 Q. A tug-boat is available but is not used.

5 A. Is not used, no. This, I might add is
6 not up to the pilots. The Master refuses to have a tow-
7 boat.

8 Q. Does current create a problem at this
9 particular dock?

10 A. Yes.

11 Q. Thank you. I have a few more questions
12 later on.

13 MR. DUNCAN: Before you adjourn, perhaps I
14 might address the Commission on the question the Commission
15 raised this morning about pilotage at Bar Harbour.

16 THE CHAIRMAN: Yes.

17 MR. DUNCAN: I have made enquiries. I find
18 that the harbour at Bar Harbour, Maine is not a ship's
19 harbour in the usual sense of the word. It was only
20 constructed specifically for the Bluenose. It was not a
21 harbour at all. The facility was constructed wholly for
22 the Bluenose and no other ships used the facility. I am
23 instructed that the oil for the motor vessel Bluenose must
24 be trucked into the area. It can't be hauled in by tanker.
25 We are not even permitted to get our oil supplies in in
26 that manner.

27 Pilotage is not paid in that area. I am
28 instructed that it is not a port in the sense of the word.
29 Pilotage is not payable at Yarmouth, confirming this
30 morning's information.



1 The Bluenose does not use a pilot at
2 Yarmouth. Yarmouth is not a Pilotage District within the
3 meaning of the Canada Shipping Act.

4 THE CHAIRMAN: Thank you very much. We will
5 adjourn for a recess now.

6
7 ---SHORT RECESS---

8
9 MR. LANGLOIS: My lord, I was informed during
10 the recess that the Bras D'Or pilots expect some movement
11 tomorrow and since there are only three pilots they cannot
12 all be here at the same time and remain here and look after
13 these ships. After consultation with my learned friend,
14 Commission counsel, I would suggest perhaps we could
15 interrupt the evidence given by Captain Ryan and hear these
16 pilots now. There is one exception, my lord, I have another
17 witness, Mr. Lorway whom I would like to call for a few
18 questions before that.

19
20 CHARLES R. LORWAY, sworn

21
22 DIRECT EXAMINATION BY MR. LANGLOIS

23 Q. Sir, this morning you stated you were
24 a shipping agent?

25 A. That is correct.

26 Q. Operating in Sydney. Have you figured
27 out what pilotage dues would represent as a port charge
28 against the amount of coal shipped in this port. Could
29 you give us an example of what this represents per ton
30 of coal?



1 A. Yes, to a certain point. Applying not
2 only to coal, but to any type of cargo, for instance a
3 ten thousand ton ship on its way out usually is up about
4 forty-six hundred net tons and pilotage is based on that
5 tonnage, so the cost of pilotage for a ship inwards would
6 be in the neighbourhood of \$97.00, and the same charge
7 outward. In other words that would amount to say a ten
8 thousand ton ship taking out ten thousand tons of coal,
9 total cost \$186.00 which would be a little less than two
10 cents per ton of cargo or coal carried out or in cargo in
11 a ten thousand ton ship, actually less than two cents per
12 ton is a pretty small part of the cost of transportation.

13 Q. In your opinion, sir, would this charge
14 be sufficient to warrant the diverting of coal shipments
15 from ship to rail?

16 A. I don't see that less than two cents per
17 ton would amount to anything much at all. I think it is
18 a very fair rate.

19 Q. Now, you are conversant with the tariffs
20 for pilotage in the Port of Sydney. What are your views
21 about tariffs presently enforced?

22 A. I have been listening to the evidence and
23 listening to this story of Golfo di Genova. A 1,900 ton
24 ship carrying over 11,000 tons and it seems to me that
25 various ship-owners in, I think the term is "non-" some-
26 thing "flag countries" are using all sorts of gimmicks
27 to avoid paying dues and charges as proper. I suppose it
28 would be canal charges and pilotage dues and harbour dues
29 and different things. I think this trend to try to use
30 these gimmicks to avoid charges should be stopped in



1 fairness to the different places that I just mentioned.
2 I don't know, but it seems to me that the cargo carrying
3 capacity of a ship, of any ship is a fair indication of
4 its true size.

5 Q. You are referring to dead weight?

6 A. To dead weight or something similar. If
7 a scale of fees were put on cargo carrying capacity
8 which would indicate the size of the ship that also
9 indicates the amount really that the ship is using the
10 port, a larger ship makes more work for the pilot to handle
11 and so on.

12 Q. Now, what do you say of the present
13 tariffs based on net tonnage.

14 A. The present tariffs?

15 Q. The present tariffs?

16 A. It seems to me to be quite fair except
17 for these people who are using the gimmicks in trying to
18 avoid the proper charges at the expense of other people
19 who are trying to play the game and pay charges properly.

20 Q. Now, do you as ship's agent, do your
21 principals or ship-owners have any objection to paying
22 pilotage dues when no pilots are employed?

23 A. I don't see why not. If a charge is a
24 fair charge on a port for maintaining a service I don't
25 see why everybody that uses the port should not contribute.
26 As an example of that I might say my family is grown up
27 and not attending school, the oldest ones -- one is still
28 attending school -- but still I pay school taxes and it is
29 part of my job as a citizen to help to contribute towards
30 the schools, I guess. Now, the same thing should apply



1 to this sort of thing. The pilots are doing different
2 services in the harbour. It is available. Everybody
3 should maintain it and everybody should, who is using the
4 port, should be prepared to pay their share. I think that
5 is the method that is fair and equitable.

6 Q. Now, I understand you are also a member
7 of the Board of Trade?

8 A. That is right.

9 Q. As an active member of the Board of
10 Trade and also a shipping agent, has it been to your
11 knowledge that any traffic has been taken away from the
12 Port of Sydney due to the present traffic charged for the
13 use of pilots?

14 A. None, absolutely none that I know of.

15 Q. Now, I don't know if you can provide me
16 with this information, what are the charges for service
17 as ship agents on your Port of Sydney?

18 A. I would hardly like to try and quote
19 you from memory. A bunker boat, about \$75.00, ship inward
20 with cargo, \$125.00 possibly. It varies depending upon
21 the type of cargo. A ship in with cargo and out with
22 cargo would be double that. There is a tariff of charges
23 drawn up. I think perhaps Mr. Johnson could help me with
24 that. There is a tariff. We could get a copy and submit
25 it.

26 Q. Would there be any objection---

27 A. I have got a copy at my office.

28 Q. We could give it a number now and file
29 it at a later stage. It will be Exhibit 405.

30 MR. JOHNSON: For the information of the



1 Commission it is a circular we publish with our own
2 information, information we distribute to ship-owners.

3 THE WITNESS: I also have one at my office
4 that I could provide.

5 THE CHAIRMAN: What would be the description?

6 MR. LANGLOIS: Schedule of Port Charges and
7 Fees.

8

9 ---EXHIBIT NO. 405: Schedule of Port Charges and Fees.

10

11 Q. Do you know if there is any substantial
12 increase in these port charges and fees in recent years?

13 A. Not for the last three or four years
14 that I recall. I think four or five years ago there was
15 a slight increase, about 20 percent or something like that.
16 The charges had been the same before that for 15 or 20
17 years.

18 Q. Would this schedule of charges and fees
19 for the Port of Sydney contain information as to the
20 stevedoring costs?

21 A. No, not stevedoring, probably pilotage,
22 harbour dues, sick mariners, use of tugs for the various
23 types of ships, depending on what the ship was in for and
24 so on. Nothing about stevedoring costs.

25 Q. Aside from pilotage dues is it to your
26 knowledge that there have been increases in these port
27 charges including stevedoring costs in recent years for
28 the Port of Sydney?

29 A. The stevedoring costs, I have absolutely
30 no knowledge, because I haven't been engaged in stevedoring,



1 but I don't imagine your charges have -- for sick mariners
2 have been the same over the last number of years, fresh
3 water, side wharfage, top wharfage -- I think they all have
4 been pretty well the same for the last number of years.

5 Q. Now, you heard the evidence produced
6 in connection with the number of pilot boats which should
7 be kept in service here in Sydney. What are your views
8 in this respect?

9 A. I would say absolutely that two was
10 minimum. On the other hand I don't think possibly you
11 need more than two. I am speaking from the point of view
12 of a ship's agent representing my owners. For example,
13 if one boat is moored at the fairway buoy with a pilot
14 boarding you may have -- in fact there has been many, with
15 one ship ready to leave here and another one ready to go
16 in and take her place at the docks. That pilot has got to
17 wait until he brings that ship in and disembarks that
18 pilot and goes up. You may have an hour or two hours lag.
19 In the meantime you have two 10,000 ships tied an hour
20 and a half waiting. These ships cost money. They cost,
21 I would say, \$75.00 to \$100.00 an hour and you have two
22 ships. Every time that happens some ship-owner has lost
23 \$200.00 or \$300.00 just as easy as that. Just sitting
24 there doing nothing these ships cost money.

25 THE CHAIRMAN: That is due to the length of
26 the harbour.

27 THE WITNESS: You have two ports in the one
28 harbour. It isn't just one port. You have two ports. I
29 have seen as many as three or four pilots on the go up in
30 the upper harbour alone, ships waiting to come out, ships



1 waiting to come in and taking the pilot off a ship that just
came in and so on. Another one is standing waiting for a pilot.

3 You need to go and get him in.

4 MR. LANGLOIS: All right, thank you very
5 much.

6 COMMISSIONER SMITH: As a transportation man
7 would you have any information on the amount of subvention
8 paid on a ton of coal moved to central Canada.

9 THE WITNESS: I would have no knowledge of
10 that, sir.

11 MR. JACQUES: The relevant Orders-in-Council
12 will be filed later on.

13 MR. JOHNSON: Just for the information of the
14 Commission, Mr. Lorway indicated two cents on the gross
15 cost of a cargo of coal of ten thousand tons. We have
16 never indicated this was a major item, although it is a
17 combination of factors of water movement opposed to
18 railway. We are looking at the whole thing. You have
19 two cents on pilotage, you have cost of freight to Montreal,
20 discharge costs, trans shipping costs on terminals in
21 Montreal. These are all the factors we look into.

22 MR. LANGLOIS: If the witness is giving
23 evidence he should be put under oath.

24 THE CHAIRMAN: We will get it before the end
25 of the hearing.

26

27 CROSS-EXAMINATION BY MR. JACQUES

28 Q. What type of ship do you handle as
29 agent?

30 A. We act as far as representatives, actually



1 for some of the coal ships that have been used in the past
2 by Dosco. I work very closely with Mr. Johnson here. A
3 ship comes to us and we hand it over to them.

4 Q. What would be their size?

5 A. They would run anywhere from 3,000 to
6 8,000 tons gross. As a matter of fact the Carl Schmedeman.
7 She carries 12,000 tons, doesn't she?

8 MR. JOHNSON: 11,000.

9 Q. Have you asked the owners how they feel
10 about being forced to pay pilotage dues although they
11 don't require a pilot?

12 A. I haven't asked the owners directly,
13 no. I mean my remark was more my own opinion.

14 Q. Your own opinion?

15 A. My own opinion.

16 Q. Not necessarily the opinion of the owner?

17 A. Not necessarily the opinion of the
18 owner.

19 Q. There has been some mention about using
20 the boat in the harbour to carry pilots back and forth
21 from Sydney; is that correct?

22 A. From Sydney?

23 Q. To the station?

24 A. And also transferring pilots perhaps
25 from the boat that is brought in and to take them out and
26 so on.

27 Q. That is one of the uses of the second
28 pilot boat?

29 A. Yes.

30 Q. Has anyone ever tried to use a taxi



1 instead of a boat?

2 A. It is pretty hard to use a taxi to
3 a ship in the harbour.

4 Q. Inside.

5 A. A lot of the time it is used to a ship
6 along at anchor.

7 Q. Alongside a pier, alongside the pier
8 at say Dosco, lying alongside, could you not use a taxi?

9 A. He could use a taxi. It is a 15 mile
10 drive, 14 mile drive around with a lot of speed zones,
11 40 miles an hour.

12 Q. How long do you think it would take?

13 A. It would take half an hour to three-
14 quarters of an hour, but in dirty weather I have seen it
15 take one and a half hours to get around.

16 Q. If I were to tell you that it takes
17 about half an hour from the Isle Royal Hotel to the pilot
18 station would you believe me?

19 A. I wouldn't do it.

20 MR. LANGLOIS: You must have broken the speed
21 limit.

22 MR. JACQUES: I happen to have a driver with
23 only two points left.

24 THE WITNESS: I might quote an example I had
25 yesterday when I was going home, Near Leitches Creek Bridge
26 I happened to glance at my watch and one half an hour
27 later I was at the corner of Sydney harbour and you still
28 have three miles to go in a 30 mile zone.

29 Q. To be sure I will time it.

30 A. I have seen it take an hour and a half.



1 Q. All things being equal would the
2 difference of two cents in the freight rate be considered
3 by you as agent...

4 A. I wasn't thinking of that in the freight
5 rate. I thought of it as a percentage of the cost of trans-
6 porting coal, less than two percent for the privilege of
7 pilots moving the ship out of harbour. I was thinking it
8 wouldn't be a terribly great increase in the final end cost
9 of coal.

10 Q. Have you ever negotiated freight rates?

11 A. No, I never have.

12 MR. JACQUES: Thank you, sir.

13 THE WITNESS: I could understand ten cents
14 sometimes cost in freight rate negotiations.

15

16 RE-DIRECT EXAMINATION BY MR. LANGLOIS:

17 Q. Just a few questions to follow up the
18 questions asked by Mr. Jacques. You stated in reply to
19 one of his questions that you hadn't been advised by your
20 principals, the ship-owners as to the willingness to pay
21 pilotage dues when the pilots were not employed. Have you
22 ever received any objections from them or have you been
23 asked to make representations on their behalf?

24 A. Never.

25 Q. Never did. Now, Mr. Jacques then stated
26 that probably -- suggested, I should say, because he never
27 gives evidence.

28 MR. JACQUES: I would point out to my learned
29 friend we should place him on the roof when he is cross-
30 examining witnesses, because half of the time he gives



1 evidence.

2 Q. He suggested one could drive from the
3 hotel to the pilot station in half an hour. What is the
4 distance from the Isle Royal to the Dosco pier?

5 A. About two and a half miles.

6 Q. Is that further on or nearer?

7 A. It is about two miles. You have to --
8 there is one railway crossing there, I have seen a
9 fellow held up half an hour at it on Prince Street and
10 another railway crossing where they are very seldom held
11 up.

12 Q. How is this part of the city as far as
13 traffic is concerned?

14 A. Very, very heavy. Prince Street is
15 extremely heavy.

16 MR. JACQUES: Do you think it would be cheaper
17 to drive by car than drive by boat.

18 THE CHAIRMAN: It all depends who pays.

19 MR. JACQUES: That is right, it is cheap if
20 the good old Government pays.

21 THE WITNESS: I think it would be cheaper to
22 travel by boat.

23 MR. JACQUES: Do you think so?

24 THE WITNESS: No, I am wrong there because the
25 capital cost of your boat is way heavier than the capital
26 cost of your car.

27 THE CHAIRMAN: There is also the question of
28 extensive service. If the service is to be maintained will
29 it serve its purpose. In any event this is not a judgement
30 I am rendering. I am trying to conclude this argument.



1 Thank you very much.

2 MR. LANGLOIS: I wish to call, my lord, the
3 first witness on behalf of the Bras D'Or Lake Pilots, Mr.
4 Campbell.

5
6 DANIEL JOHN CAMPBELL, sworn

7
8 DIRECT EXAMINATION BY MR. LANGLOIS:

9 Q. I understand, Mr. Campbell, you are a
10 pilot at the Bras D'Or Lake district.

11 A. That is right, sir.

12 Q. How long have you been a pilot there?

13 A. 19 years.

14 Q. Who is senior man in your district as
15 pilot?

16 A. Forgeron, he was on before I was.

17 Q. I would like, my lord, at this stage to
18 file as Exhibit 406 the brief submitted by the Pilots of
19 the Pilotage District of Bras D'Or Lake.

20
21 ---EXHIBIT NO. 406: Brief submitted by the Pilots of
22 the Pilotage District of Bras D'Or
Lake.

23
24 Q. Now, Mr. Campbell, this brief that has
25 just been filed, by whom was it drafted?

26 A. It was drafted by the pilots with some
27 assistance from the pilot office.

28 Q. Are all the pilots in the district in
29 agreement with the contents of this brief?

30 A. Yes, sir.



1 Q. How many pilots are there in your
2 district?

3 A. Three.

4 Q. Would you please give a summary descrip-
5 tion of your district?

6 A. Well, it starts at Big Bras D'Or, Table
7 Head, north entrance. The first loading berth is at
8 Baddeck, a distance of 21 miles.

9 Q. Have you got the chart?

10 MR. JACQUES: U.S.611.

11 MR. LANGLOIS: Filed as Exhibit what?

12 MR. JACQUES: 278.

13 MR. LANGLOIS: Is there a loading berth in
14 Baddeck? Would you put a circle in red?

15 A. Baddeck.

16 Q. Indicated with a red circle. Now, what
17 is the limit of your district in a north-easterly direction?

18 A. Well, in line, Table Head to Cape
19 Dauphin.

20 Q. Would you indicate that by drawing a
21 line in red pencil between Table Head and Cape Dauphin.

22 A. Then we have to go much further out to
23 pick up ships, outside the fairway buoy.

24 Q. What is the reason you have to go out
25 further?

26 A. Well, on rare occasions, sometimes a
27 strange ship comes into Point Aconi and they are not
28 familiar -- that is as far as they will come. They have
29 no communication with our boat to talk to them.

30 Q. Now, if a ship is being docked at the



1 north-eastern limit of your district what would be the
2 course that you would take taking her into the dock,
3 for example? Would you place that in with red pencil
4 here?

5 And then, from Baddeck would you carry on
6 tracing on the chart?

7 A. I should have my glasses on. Baddeck
8 is here (indicating). Seal Island shoals down here.

9 Q. That is a double circle in red. Would
10 you carry on?

11 A. Baddeck dock (indicating).

12 Q. Now, if you are called upon to pilot
13 a ship further on, would you trace what route you would be
14 following?

15 A. Say the Little Narrows. Now McIvor's
16 Point into a very crooked channel. This will be a docking
17 channel, into the dock and up along the shore (indicating).
18 The ships dock at little Narrows, the main channel coming
19 out, will come out and pick up this junction here
20 (inciating). It is easier to take ships to the dock
21 coming up than the docking channel along the shore, for
22 our ships they are stern in with their bow out.

23 Q. Can you proceed further than the Little
24 Narrows?

25 A. Yes sir. The Whycocomagh.

26 Q. Would you indicate by tracing from
27 Little Narrows a red line?

28 A. Through Little Narrows, very narrow
29 crooked channel. This chart is too small to point it
30 out clearly, and go in behind Indian Island. We have had



1 quite a number of ships in there. At present there is a
2 ship with pulpwood from Whycocomagh.

3 Q. Is there a dock there?

4 A. No sir. You moor the ships by putting
5 anchors down, two stern lines down in the wood.

6 Q. Am I to understand this wood is on
7 rafts?

8 A. Yes sir. The wood is boomed out along-
9 side the ship, loaded on board. That operation has ceased
10 now better than a year above Little Narrows.

11 Q. Now from Baddeck if you are called to
12 pilot a ship further in a south-westerly direction, where
13 would you go? Would you trace on that chart the course
14 that you will take from Baddeck?

15 A. We would come up to the swinging bridge,
16 Grand Narrows, through the swinging bridge at Grand
17 Narrows, the span of 80 feet, an opening of 80 feet and
18 then across Bras D'Or Lake to St. Peter's. To Cape George
19 and from Cape George through Beaver Narrows, a crooked
20 channel through a maze of islands.

21 The distance from Cape George is approximately
22 $5\frac{1}{2}$ miles. This chart is very small for this work.
23 St. Peter's Canal, where we have a canal there, there
24 is a bridge, a highway bridge and then there is approx-
25 mately 1,000 feet to the rock cut with a turn on it. Coming
26 up from St. Peter's Canal we would go out there to St. Peter's
27 Canal -- from St. Peter's Canal out through St. Peter's Bay.
28 It is very crooked with shoals up by Cape Round and then
29
30



1 you get out in an open fairway.

2 Q. Now from Cape Round are you called upon
3 to pilot ships up to Canso Causeway, Canso Gut?

4 A. Yes sir, through Canso Gut.

5 Q. Would you indicate with this red pencil
6 how you would reach the Gut of Canso normally taking ships
7 through?

8 A. Outside Cape Round, carry on to Canso
9 Gut we go out around Isle Madame.

10 COMMISSIONER SMITH: St. Peter Canal is 16
11 feet deep?

12 A. Yes sir. 17 feet over the silt, I
13 can't say, but about 80 years ago. 16 feet draught now is
14 the maximum. And into the Gut of Canso our boarding
15 station and now Canso, consider Bear Island if we were
16 getting ships through the Gut of Canso.

17 Q. Bear Island? Is that the place
18 indicated as Bear Head?

19 A. Bear Head. The light is on an island.

20 Q. And how far from Bear Head does your
21 district extend north-westerly?

22 A. To Port Hawkesbury is the limit of our
23 District. Point Tupper.

24 Q. Which is close to Port Hawkesbury. Are
25 you called on occasionally to pilot ships further on up
26 the Canso Gut?

27 A. We are sir.

28 Q. How far up?

29 A. Up through the locks.

30 Q. Up Canso Causeway?



1 A. Yes, and sometimes to North Canso.

2 Some ship-masters want the pilots to stay on board until
3 they get out to North Canso.

4 Q. How often would you be called upon to
5 take ships through the Canso lock?

6 A. Well it varies. Sometimes be two weeks,
7 nothing through there. Maybe longer. You are not called
8 upon very often to take ships through Canso lock.

9 THE CHAIRMAN: Is there much traffic there?

10 THE WITNESS: Yes sir.

11 Q. Where would you disembark after taking
12 a ship through the Canso locks?

13 A. Through the Canso locks going north we
14 disembark sometimes out as far as North Canso. Some ship-
15 masters require a pilot on board there until North Canso.

16 Q. Would you indicate by carrying on with
17 the red line to your boarding-off place at North Canso,
18 and are you called upon to take ships through the locks in
19 both directions?

20 A. Yes sir.

21 Q. Where would you disembark when you have
22 a ship in a south-easterly direction through the locks?

23 A. Sometimes at Point Tupper. Some ship-
24 masters want a pilot to go down to Bear Island.

25 Q. I understand that from Bear Head to
26 North Canso you are outside the limits of your district as
27 described in your by-laws?

28 A. From Point Tupper to North Canso is
29 outside our district as prescribed, yes, sir.

30 Q. Would you tell the Commission whether



1 or not the Pilotage Authority in Ottawa is aware of your
2 having to pilot ships outside of your district?

3 A. Yes sir. The Pilotage Authority in
4 Ottawa, through our superintendent, Captain Parker, gave
5 us permission to pilot ships through there, through the
6 Canso locks. The reason for that, some ship-masters want
7 pilots there. Insist on pilots there. Those ship-masters
8 not used to it. That was set up, to pilot ships through
9 there, and the Department of Transport are not responsible
10 in any way for collecting moneys. They just gave us
11 permission to pilot ships through there.

12 Q. Who collects the money for you?

13 A. The pilot collects the money himself,
14 if he can.

15 COMMISSIONER SMITH: There are no amendments
16 to the by-laws to extend the area of the district?

17 THE WITNESS: No sir, not to my knowledge.

18 Q. Have you made such a request to Ottawa
19 to extend the limits of your District?

20 A. No, we haven't as yet.

21 Q. Are the charges for taking the ships
22 through the locks mentioned in your tariff, as set out in
23 your by-law?

24 A. No sir.

25 Q. What are the charges?

26 A. Well we set up a charge there ourselves.
27 If we leave a ship in the locks, sometimes they do going
28 north, a ship-master is quite satisfied that the pilot
29 should leave there, we charge him \$50.00.

30 Q. When you leave the ship in the lock?



1 A. In the lock.

2 Q. When you take the ship up to North

3 Canso---

4 A. Pardon me, we set it up as \$40.00 the
5 locks. When we take him up to North Canso the pilot boat
6 has to lock through and the charge there of \$25.00 to the
7 boat. The usual fee is \$75.00.

8 Q. \$75.00 for all types of ships?

9 A. Yes sir.

10 Q. Irrespective of her tonnage and draught?

11 A. Yes.

12 Q. Would you tell the Commission whether
13 or not Ottawa has been acquainted with these charges, to
14 your knowledge?

15 A. To my knowledge no. I am speaking now
16 of what I charge ships through here.

17 Q. You mentioned boarding stations. Where
18 are these boarding stations located in your district?

19 A. Located at Table Head northerly.

20 Q. Would you mark by a red circle and put
21 a big letter B with red circle around it, where that is.
22 Is that the only boarding station you have in the district?

23 A. No sir. Bear Head.

24 Q. Would you do the same thing at Bear
25 Head as you did for Table Head?

26 A. This is considered another one. But
27 quite often Bear Head doesn't mean too much. Some ships
28 without charts, we have to go down to Guysborough there,
29 Cape Argos, and go often further.

30 Q. I understand that Cape Argos is used as



1 an alternate boarding-off station for some ships?

2 A. Yes sir.

3 Q. Would you indicate where Cape Argos is
4 by the letter B circled with red? What are the other
5 boarding stations, if any, in your district?

6 A. Well, St. Peter 's Bay.

7 Q. Would you mark with the letter B again
8 with red circle?

9 A. That is for ships coming in through
10 St. Peter, or sometimes in St. Peter locks for pulpwood.
11 And there is another, Arichat frozen fish, processed fish.

12 Q. Would you indicate those other boarding
13 stations by the letter B with a red circle?

14 A. Going to American ports.

15 Q. Are there any other boarding stations
16 in the district?

17 A. North Canso.

18 Q. Would you indicate North Canso with
19 the letter B with a red circle?

20 A. Ships coming through the locks from the
21 north, board them usually at North Canso.

22 Q. Now what arrangements are made for pilots
23 to embark or disembark from ships at these boarding stations?

24 A. Well at Table Head we have a boat we
25 hire there for the shipping season. The boatman owns the
26 boat. We pay him \$150.00 a month and we also pay gas and
27 oil and any repairs for the season.

28 Q. Is that for five months of the year?

29 A. No sir. That was beginning in May,
30 probably the 1st of May and finishes the last of December.



1 That is about the shipping season in that section.

2 Q. That would amount to how much in a year?

3 The total sum that you would pay to this boatman?

4 A. In excess of \$1,000.00, \$1,200.00.

5 Q. Would you pay something else to this
6 boatman in addition to this?

7 A. We have given him a bonus, yes, some
8 busy season. We have given him a bonus up to \$200.00.

9 Q. Does he supply the vessel and operate
10 same and pay all the operating expenses of the vessel?

11 A. We do while we are using this boat. We
12 pay operating expenses. It is flexible. He is a fisherman
13 and we allow him the use of his boat for fishing lobsters
14 in the lobster season when not required by the pilots.

15 Q. What happens at the other boarding
16 stations that you have shown on this chart? What arrange-
17 ments are there?

18 A. At St. Peter we hire a boat there for
19 ships coming in through St. Peter locks.

20 Q. On what basis is that boat hired?

21 A. \$10.00 for boarding, \$10.00 for disem-
22 barking.

23 Q. What about Arichat?

24 A. It is the same, \$10.00 boarding and
25 \$10.00 disembarking.

26 Q. What about Cape Argos?

27 A. Cape Argos is \$25.00 right now.

28 Q. North Canso?

29 A. \$25.00 and for the ships coming into
30 the dock in Port Hawkesbury area, it is \$10.00. Now that



1 is in our district.

2 Q. What about at Bear Head?

3 A. At Bear Head \$10.00.

4 Q. Now how are these boat charges reim-
5 bursed to the pilots?

6 A. That expense is borne solely by the
7 pilots.

8 Q. Am I to understand that your pilotage
9 rates are all inclusive? That they include not only the
10 pilotage service as rendered, but also the boat charges
11 involved?

12 A. Yes sir.

13 Q. Now you may use your brief to refresh
14 your memory, would you tell the Commission what is the
15 overall distance covered by your district?

16 A. The overall distance straight through,
17 approximately 66 miles to St. Peter and 25 miles on to the
18 limit of our district at Point Tupper, approximately.

19 Q. And in this appendix, if I can call it
20 so, to your district, this part of the Gut of Canso, it is
21 outside of your limit. What would be the distance covered
22 there?

23 A. The Gut of Canso.

24 Q. From Bear Head to North Canso.

25 A. Bear Head to North Canso roughly 95
26 miles.

27 Q. Now where are your pilots stationed?
28 Where do they normally live?

29 A. Two of us live in Big Bras D'Or within
30 two miles of Double Head, three miles of the two of us.



1 Q. That is at the north-east end of your
2 district?

3 A. Yes sir.

4 Q. Where is the third one domiciled?

5 A. The third pilot lives in West Arichat.

6 Q. And how are these pilots despatched to
7 the various jobs to be performed in your district?

8 A. Well first the ships in Baddeck --
9 we get our E.T.A. from the shippers there, shippers of
10 pulpwood mostly always. Sometimes through the pilot office,
11 but normally through the shippers there we get our E.T.A.
12 from Baddeck by telephone.

13 Q. Telephone from whom?

14 A. Usually from Mr. Simpson, William
15 Simpson, doing the most of the shipping in Baddeck.

16 Q. Shipping agents?

17 A. Acting shipping agents, yes.

18 Q. Does it happen that you are despatched
19 by somebody else? For example, the supervisor of pilots
20 in Sydney?

21 A. Yes sir, on occasion, yes. With strange
22 ships quite often. Ships that are coming regularly, they
23 notify Mr. Simpson and he notifies us.

24 Q. Now briefly what are the qualifications
25 to become a pilot in your district?

26 A. To become a pilot in our district a
27 man is required to have good knowledge of the district,
28 all through the district. A certificate is not required
29 in our district.

30 Q. Do some of your pilots hold certificates



1 of competency?

2 A. Yes sir.

3 Q. How many of them?

4 A. Two of them, Kaiser and Forgeron.

5 Q. What are these certificates, do you
6 know?

7 A. Pilot Forgeron has a Master's Home
8 Trade ticket.

9 Q. Unlimited as to tonnage?

10 A. I think so.

11 Q. What about Mr. Kaiser?

12 A. Mr. Kaiser has a Master's Tug-Boat
13 ticket.

14 Q. How is the travelling done by land when
15 you have to proceed to the ship to do a job?

16 A. By land we travel by car. We usually
17 use our own cars where we can at all. Like a ship going
18 into Little Narrows here, board at Table Head, take her
19 on to Little Narrows. We haven't a car there. If we are
20 not required to pilot a ship elsewhere in the district,
21 sometimes we stay with that ship until she is ready.
22 Otherwise, we must find a taxi or some transportation home
23 or have somebody take our car up to meet us there.

24 Q. How much would a pilot normally be
25 called upon to disperse in travelling expenses in a year?

26 A. In distance you mean?

27 Q. Yes. How much money would that
28 represent?

29 A. For a year travelling expenses were
30 \$584.00. That is for last season.



1 Q. Was that per pilot or for three pilots?

2 A. That is our average travelling
3 expenses for each pilot.

4 Q. Are you reimbursed in any way, or do
5 you charge these expenses, pass them along to the shipping
6 people?

7 A. No sir we don't. They are borne solely
8 by the pilots.

9 Q. You mentioned there are actually three
10 pilots on duty, active pilots?

11 A. Yes sir.

12 Q. Do you think this is a sufficient number
13 to take care of the traffic?

14 A. I do sir at the present time.

15 Q. Would the prompt despatch of vessels
16 suffer if this number were reduced?

17 A. Sir--?

18 Q. Would the prompt despatch of vessels
19 in your district be affected if this number was reduced
20 say to two pilots?

21 A. I would think so, yes. At times very
22 much.

23 Q. Now your present fees for pilotage
24 service in your district, how long have they been in force?

25 A. The present fees have been in force
26 since 1948. No, in 1960. The present fees in 1960.

27 Q. Has there been any increase in these
28 fees since 1960?

29 A. No sir.

30 Q. So am I to understand that the schedule



1 A, pilotage tariff, shown in your by-law which was filed
2 under Exhibit 377 are the present rates in force in your
3 district?

4 A. Yes sir.

5 Q. Would you refer to page 6 of your
6 brief.

7 MR. JACQUES: Starting on the text of the
8 brief, I should like, with the consent of the Commission,
9 to state that I am willing to admit as proved the para-
10 graph entitled, "Hazards, Pilotage Boats, and Industries"
11 contained in the Bras D'Or Lake Pilots' brief, Exhibit
12 406.

13 THE CHAIRMAN: Why do you agree to that?

14 MR. JACQUES: I have read them.

15 THE CHAIRMAN: Have you checked them?

16 MR. JACQUES: Yes, my lord, and they are an
17 accurate and fair statement of the hazards encountered in
18 the Bras D'Or Lakes and I have had occasion to check the
19 facts mentioned in the paragraph entitled "Pilotage Boats"
20 and as regards industry. I would even call a witness to
21 bear out the statement contained in that brief.

22 MR. LANGLOIS: Would my learned friend be
23 prepared to take as proven two statements on the disburse-
24 ments for the years 1958, 1959, 1960, 1961 and 1962 as
25 given on page 6 of the brief?

26 MR. JACQUES: Yes, but I should like to ask
27 a few questions. This has been filed when the annual
28 returns were filed.

29 THE CHAIRMAN: Exhibit 393.

30 MR. JACQUES: Exhibit 393 in a bundle is



1 annual returns for the years 1959 to 1962 inclusive, and
2 the figures check.

3 Q. Now, what about fog conditions in your
4 district? Is fog a frequent occurrence?

5 A. At times. We have fog early in the
6 season at the entrance to Table Head, through May and into
7 June we have it at times. We also have fog conditions
8 late in the season in the Little Narrows area when the
9 weather is warm. In the early morning we have dense fog
10 there quite often. The sun dries it up. Sometimes that
11 may be eight or ten o'clock. Sometimes all day, of course.

12 Q. Now, even though this paragraph has
13 been admitted by my learned friend I would like you to
14 clarify page 3 of your brief under the heading of hazards
15 by stating the direction of the currents mentioned in that
16 part of your brief, the velocity of the current is given,
17 but not the direction as at Seal Island Bridge. You
18 mention $5\frac{1}{2}$ knots current. Would you give us its direction?

19 A. $5\frac{1}{2}$ would be a maximum current at Seal
20 Island Bridge. When the tide is running there we have a
21 heavy set. We have a causeway there and the tide flows
22 along the causeway, along the shoal water to the bridge
23 and sets across the channel. Consequently to load a ship
24 on the starboard side, and also above there there are tide
25 rips and the ship is sheering around starboard.

26 Q. With the tide running in. What about
27 tide running out?

28 A. Tide running out, it runs fairly
29 straight through there, through the arcs of the bridge.

30 Q. Further down the same paragraph, the



1 Grand Narrows swing-bridge, you mention a 2 knot current.
2 Would you care to give us its direction.

3 A. Well, the tide runs fairly straight
4 through there. A ship of any size doesn't consider it
5 safe to go through there until slack water. We do get
6 tide rips, especially hard to handle there with the tide
7 running.

8 Q. Would you mind telling the Commission
9 what is the largest ship that has ever been taken through
10 the Bras D'Or Lake District?

11 A. Well, U.S. Gypsum ships are just about
12 the largest. They have five ships of their own and they
13 frequently go into Little Narrows for gypsum.

14 Q. What would be the draught of a ship of
15 that size?

16 A. They are not the biggest draught, only
17 25 feet 2. We have had ships in there deeper, 26 feet,
18 10,000 what we call barques, 25 feet 6. We try to keep
19 twenty-five six due to the limited draught. We have had
20 26 feet 5 at the fairway, at the entrance to Bras D'Or
21 and Table Head.

22 Q. Now, Mr. Campbell, a while ago mention
23 was made of the pilotage of ships through the Gut of
24 Canso. How many ships would you have in any given year
25 to take through the Gut of Canso?

26 A. I am not prepared to say definitely.
27 I would say in the vicinity of 20. I may be a bit out
28 though. I haven't got the figures.

29 Q. Since the collection of these dues at
30 Canso are done by your pilots individually, will you tell



1 the Commission what has been your experience in the
2 collection of dues? Do you have any trouble?

3 A. Through the Gut of Canso?

4 Q. Yes.

5 A. Yes sir, we have had trouble. All we
6 can do there is present our bill to the Master of the
7 ship. The bill-head is made out. Sometimes the Master of
8 the ship has cash on board and he will pay the pilot.
9 Mostly always he will give us a statement that he
10 accepted our services and we will send that to his agent,
11 and we usually get the money. We have, I think, three
12 outstanding bills in less than a year that we haven't got,
13 and I don't expect we ever will get.

14 THE CHAIRMAN: Are those original this year?

15 THE WITNESS: No, sir, it is outside of our
16 district, not showing.

17 Q.. Would you have any objection to the
18 supervisor taking over the collection of these fees, with,
19 of course, the necessary authority from Ottawa to do so?

20 A. No sir, not at all.

21 Q. What is the length of your season, say
22 for example at Little Narrows?

23 A. Little Narrows, the season generally
24 starts early in May, April the 1st to the 15th of May.

25 Q. And extends to?

26 A. And extends to the 20th or last of
27 December.

28 Q. What about Baddeck?

29 A. At Baddeck, much the same, although on
30 occasion we have had ships at Baddeck later and earlier



1 in the spring.

2 Q. What about the Gut of Canso?

3 A. The Gut of Canso, all year round.

4 Q. It is a year round operation, both
5 docking and undocking ships?

6 A. And also at Madame.

7 Q. At Madame?

8 A That is at Arichat and St. Peter Bay,
9 but we have ships there.

10 Q. All year round?

11 A. Ships are rare there, but they can come
12 in at any time of the year. That is the location of a
13 lock at St. Peter. A lot of ships are passing through St.
14 Peter.

15 Q. How many pilot boats all told do you
16 use during the year?

17 A. Four.

18 Q. Now, is it to your knowledge that ships
19 not exempt from the payment of pilotage dues traverse your
20 district without paying the compulsory payment?

21 A. It is possible.

22 Q. Can you give the Commission any estimate
23 of the loss of revenue this would amount to?

24 A. I would think it would be very low.

25 Q. A very low figure.

26 A. A very low figure.

27 Q. Are you often detained on board ships
28 in the performance of your duties?

29 A. Yes, sir, quite often, due to fog
30 conditions.



1 Q. Is there any detention charge?

2 A. No sir, not in our district.

3 Q. Now on pages 4 and 5 of your brief you
4 make a recommendation and suggest certain increases in
5 your tariff. Have these recommendations been taken up in
6 the past with Ottawa, the Department of Transport.

7 A. No, sir.

8 Q. Have you figured how much the increase
9 recommended by your pilots would yield in additional
10 revenue in a year?

11 A. Well, we have figured out roughly, yes
12 sir. Based on the 1942 returns the increase would amount
13 to \$3,300.00 approximately and for the boat fees we suggest
14 it would amount to \$2,540.00.

15 COMMISSIONER RENWICK: Based on the 1942
16 returns?

17 MR. LANGLOIS: 1962.

18 THE WITNESS: 1962.

19 COMMISSIONER RENWICK: I thought the witness
20 said 1942.

21 THE WITNESS: We suggest we drop the sum of
22 \$750.00 the Department is giving us.

23 COMMISSIONER SMITH: Could I ask a question,
24 my lord, with regard to that \$750.00 grant by the
25 Department. I understand now the annual cost of a boat
26 is rising upwards of \$1,700.00; is that a fact?

27 THE WITNESS: That is expenses of the boat
28 and the operation of the boat, \$250.00 we pay our boat
29 operator, yes sir.

30 MR. LANGLOIS: Would you mind telling the



1 Commission now if you are permitted and if you are able to
2 perform other duties than that of piloting ships through
3 your season?

4 A. I think you could say we are not
5 permitted to perform other duties. You will find that in
6 our by-laws.

7 Q. Even if you were permitted could you
8 give effective pilotage services and carry on some other
9 occupation?

10 A. No, sir, I would say not.

11 Q. Why do you say not? Will you explain
12 your reason for saying that?

13 A. Well, we are on call at all times as
14 pilots and our District is so far-flung that we don't know
15 what port or district we will have to go to at any time.

16 Q. Now, have you got any indication as to
17 future trends in the traffic within your district, meaning
18 by that, do you expect the traffic will maintain its present
19 level or increase or decrease?

20 A. I would think at the present level and
21 possibly a chance of it increasing.

22 Q. Would you mind telling the Commission
23 if you base the information that you just gave on infor-
24 mation that you received from shipping people in the form
25 of either requests for information as to future movements
26 or information of that kind?

27 A. You mean in the line of business in
28 the district?

29 Q. Yes.

30 A. Well, there is a gypsum company



1 proceeding to set up in the area. As yet they haven't
2 set a site for a pier. It could be above Little Narrows,
3 and then again it could be in the Gut of Canso. We have
4 no information whether they are going ahead, but they have
5 an area of gypsum they are proposing to develop.

6 Q. And now, with the number of new ships
7 that are being built now in Canada can you tell the
8 Commission whether or not it is anticipated that these
9 new tonnages might be calling at ports in your pilotage
10 district?

11 A. Yes, sir. We have 20 ships in the Gut
12 of Canso area, gypsum ships. We have ships that will load
13 over 22,000 tons in the Bestwall Gypsum at Point Tupper,
14 18,000 to 22,000 is the average cargo.

15 Q. Do you have any indication that traffic
16 could be increased in your district by future increased
17 movement of coal from part of your district to parts of
18 Central Canada?

19 A. Not to my knowledge, sir. There is a
20 possibility of a small amount in Kelley's Cove.
21 I would think that would be a small peak period. Most if
22 not all is trucked in that area. Other than that I don't
23 think there is any chance of coal in our district.

24 Q. Are you in receipt of any requests for
25 information as to which type of vessel could be handled
26 through your District?

27 A. What part of the district?

28 A. Any part of your district, for that
29 matter?

30 A. Well, the Gut of Canso area we have



1 a limited draught of 32 feet at the dock, at Bestwall Gypsum
2 where our biggest ships are coming right now. They are
3 proposing now to get more water at that dock, 34 feet,
4 but they haven't got it.

5 Q. Do you think that the modern larger
6 coal carriers fitted with transversal bow rudders can be
7 handled through your district, even the narrower sections
8 of the district with efficiency and safety?

9 A. I would say, no sir, not right through
10 our section, certainly not through St. Peter Canal and
11 not through the swing bridge at Whycocomagh.

12 Q. What about the other parts of your
13 District, could such modern coal carriers be taken in the
14 district in safety?

15 A. Well, the Little Narrows we are taking
16 close to the limit of the size of the ships. We haven't
17 any ships with bow thrusters or bow rudders.

18 Q. Bow thrusters or rudders?

19 A. Bow rudders.

20 Q. Are you referring to transversal
21 propellers?

22 A. No sir, water jets.

23 Q. Have you any recent request as to the
24 type of vessel being used -- whether this type of vessel
25 could be used in your district recently?

26 A. I had a letter from Upper Lake Shipping
27 Company asking me in my opinion if a ship they are building
28 now -- she will be equipped with bow thrusters, six
29 hundred and some feet long could go through Little
30 Narrows. That would be in this proposed gypsum company in



1
2 the future -- I would think that is what they had in
3 mind when they wrote that letter.

4 Q. Have you this letter with you?

5 A. Not with me, sir. I have it in my car.

6 Q. It might be of interest to file it
7 probably at a later stage if you have no objection.

8 MR. JACQUES: No objection.

9 THE CHAIRMAN: It would establish the trend
10 of shipping.

11 THE WITNESS: That ship will be equipped, I
12 think, with a hundred horsepower bow thruster. I assume
13 water jets.

14 Q. Could you bring that letter with you
15 tomorrow. Thank you very much.

16 THE CHAIRMAN: Before you go ahead I have one
17 question. Maybe you have it in mind. Page 5 of your
18 brief, you mention in the third paragraph from the
19 bottom a grant of \$750.00 from the Department regarding
20 the pilot boat. Would you explain that please, how you
21 had that grant.

22 MR. JACQUES: I had it in mind for the
23 Superintendent.

24 THE CHAIRMAN: He had it in his brief. What
25 is this about?

26 THE WITNESS: That is the grant the Department
27 of Transport has given us in lieu of expenses for our
28 boat in the northern end of our district.
29
30



1 THE CHAIRMAN: This is being paid now by the
2 Department of Transport to help with your boat expenses?

3 THE WITNESS: Yes, sir.

4 THE CHAIRMAN: Has it been paid for many
5 years?

6 THE WITNESS: It started at \$200.00 and was
7 increased to \$500.00 and is now \$750.00, started six or
8 seven years ago.

9 THE CHAIRMAN: Thank you very much. You may
10 continue.

11

12 CROSS-EXAMINATION BY MR. JACQUES

13 Q. Do you have a pension fund in your
14 district?

15 A. No.

16 Q. Do you benefit from Workmen's Compens-
17 sation?

18 A. No, sir.

19 Q. Unemployment insurance?

20 A. No, sir.

21 Q. Have you any other group insurance of
22 any kind?

23 A. No, we haven't.

24 Q. Nothing at all, no welfare plan of any
25 kind, the pilots?

26 A. No, sir.

27 Q. None at all. From what you have said
28 would it be fair to say it could be reasonably foreseen
29 when the Bras D'Or Lake and the Gut of Canso will be
30 developed there will be more shipping in the future?



1 A. I would say possibly the Gut of Canso,
2 but not Bras D'Or Lake. There is nothing we can see in
3 the near future anyway.

4 Q. But the Gut of Canso?

5 A. As I mentioned the gypsum company that
6 may set up in Bras D'Or Lake and maybe in the Gut of Canso.
7 They haven't set the site for their piers.

8 Q. When you are on board a ship what do
9 you do? Will you tell us how you proceed to pilot the
10 ship?

11 A. Generally when you board a ship -- a
12 Master that hasn't met us before, he may stay with us
13 for some time, but usually the Master gives the ship over
14 to the pilot and the pilot takes the ship from where he
15 boarded the ship to the berth.

16 Q. Who gives the orders?

17 A. The pilot.

18 Q. The pilot, in all cases?

19 A. I would say in most of the cases.

20 Sometimes the captain asks a question, but it is rather
21 a rare question on some move the pilot might make.

22 Q. Do you use radar in your work?

23 A. Yes, sir.

24 Q. You do. Does it help you in your work?

25 A. Yes.

26 Q. Does it enable you to take ships, to
27 move ships in cases where otherwise they wouldn't be moved?

28 A. I would say yes, at times.

29 Q. Are there many accidents in the lakes,
30 collisions, groundings, hitting docks?



- 1 A. No sir, not many.
- 2 Q. There have been no major accidents?
- 3 A. No.
- 4 Q. Any groundings?
- 5 A. There have been.
- 6 Q. Were you a pilot on a ship that grounded?
- 7 A. I have been, yes.
- 8 Q. What was the cause of those groundings?
- 9 A. Well, a grounding in the Gut of Canso
- 10 at the Nova Scotia Pulp Dock taking in a fresh breeze of
- 11 wind, getting our lines away and the ship's stern came
- 12 into the pier rapidly, docking portside and taking stern
- 13 off the dock, and engine movement to bring the boat out of
- 14 position in the dock, port anchor down, bolt anchors try
- 15 to get the ship's stern into the wind to keep her clear
- 16 of the dock, but her bow took bottom before she came up
- 17 into the wind.
- 18 Q. Are there any tugs available in the
- 19 Gut?
- 20 A. No.
- 21 Q. Any help of any kind similar to a tug?
- 22 A. I would say no, not similar to a tug.
- 23 Q. When you are taking ships on your own
- 24 in the Gut of Canso do the Masters know that you are
- 25 working outside your district?
- 26 A. Yes, sir.
- 27 Q. They do?
- 28 A. Yes, sir.
- 29 Q. Do they ask for a kick-back on your
- 30 pilotage fees?



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Campbell cr. ex. 3672
(Jacques)

- 1 A. Not as yet.
- 2 Q. How long would it take to get familiar
3 enough with the lakes to become a pilot?
- 4 A. That is a hard question to answer.
- 5 Q. How long did it take you to become
6 familiar enough?
- 7 A. Three years off and on.
- 8 Q. Three years off and on. What training
9 would you recommend for apprentices in your District?
- 10 A. I would recommend going with pilots
11 through the different areas, the apprentices.
- 12 Q. Would you require them to have any
13 qualifications other than that?
- 14 A. No sir, not in our District.
- 15 Q. It is a matter of learning the district,
16 what goes on?
- 17 A. Yes.
- 18 Q. You would require knowledge of buoyage?
- 19 A. Yes, definitely.
- 20 Q. Rules of the road?
- 21 A. Yes.
- 22 Q. Tides?
- 23 A. Yes.
- 24 Q. Some seamanship?
- 25 A. Yes.
- 26 Q. Do you consider it dangerous to go
27 through the lakes with a ship?
- 28 A. Some sections of the lakes, yes. There
29 is always an element of danger.
- 30 Q. Is it such a danger that you would



1 recommend not to go through these places?

2 A. Certain sections if the ship is too
3 big, yes.

4 Q. Does it happen that you have to
5 recommend not to go through certain sections of the lakes?

6 A. This letter that I received from
7 Upper Lakes.

8 Q. Apart from that?

9 A. Yes.

10 Q. Would you tell us the last time that
11 this has happened?

12 A. At Little Narrows on occasion they
13 proposed to take ships larger than they are taking in
14 there now, and we try to describe and so forth and
15 project things into the picture.

16 Q. Do you have any trouble taking your
17 ships through the bridge?

18 A. Which bridge?

19 Q. You have two bridges I believe?

20 A. Not at Seal Island shoal, the main
21 bridge.

22 Q. No trouble. How about the other one?

23 A. The ~~swing~~ bridge at Grand Narrows would
24 be -- mostly ships of any size wait for slack water there,
25 only in slack water.

26 Q. In your brief, the last page of your
27 brief, you state figures or revenues and assistance toward
28 the operation of boats and upon looking at the annual
29 returns of your district which have been filed, the totals
30 don't quite agree. For instance in 1962 you made a total



1 of \$12,769.82, while in the annual return filed as
2 Exhibit 393 the total is \$12,766.00. Can you tell us
3 where you get your figures?

4 A. We get most of our figures from the
5 pilot office.

6 Q. Did you get them off the annual return
7 or other documents?

8 A. Most of them.

9 Q. Files which may be available?

10 A. \$12,700.00 -- that is revenue too.

11 Q. That is not a major difference?

12 A. No sir, I can't explain that at the
13 moment.

14 THE CHAIRMAN: 1961 and 1962 is all right.
15 1959 is the difference.

16 MR. JACQUES: In 1958 there is a difference.

17 MR. LANGLOIS: Pilotage outside the district?

18 MR. JACQUES: Not for three dollars.

19 Q. Again on page 6 of your brief you
20 mention average gross earnings of your effective pilots.
21 This wouldn't be actually the money you have received in
22 the year 1962?

23 A. That is our average gross earnings in
24 the pilot office, yes. With our expenses deducted.

25 Q. Yes, but it is not the money which you
26 actually received?

27 A. No sir.

28 Q. And the average expenses paid from the
29 fund, their expenses would be included in the figures which
30 you have given?



1 A. This expense is paid from the fund,
2 it would be mostly telephone calls and boat expenses.

3 Q. In the next item, average car, travelling
4 and living expenses, these are your own figures are they
5 not?

6 A. Yes, those are travelling expenses by
7 car.

8 Q. And are these figures checked at any
9 time by the Pilotage Authority?

10 A. Yes sir.

11 Q. These expenses are filed with the
12 Pilotage Authority also?

13 A. Yes sir.

14 Q. Are you otherwise gainfully employed?

15 A. No sir.

16 Q. How do you live on this wage?

17 A. That's a good question.

18 Q. Thank you sir.

19 THE CHAIRMAN: Any further questions of the
20 witness?

21 MR. LANGLOIS: No my lord. I would like to
22 make one reservation at this stage since, according to the
23 rules of practice established by the Commission we can
24 always make further recommendations at a later stage. The
25 reservation I would make is there may be an additional
26 recommendation which would be made at a later stage by
27 these pilots to have this part of the Gut of Canso included
28 within their pilotage district.

29 This closes the case for the pilots of
30 Bras D'Or District.



1 THE CHAIRMAN: Could we have any information
2 with respect to traffic?

3 MR. JACQUES: It will be supplied to the
4 Commission, my lord, through another witness as best we
5 can find it.

6
7 FURTHER CROSS-EXAMINATION BY MR. JACQUES

8 Q. Now another question before you go.
9 What would happen if a ship were to run aground somewhere?
10 Would all traffic come to a standstill?

11 A. No sir. In most cases there is room
12 to pass. Most places in the lake. Some, of course, could
13 block the channel completely.

14 THE CHAIRMAN: In the narrows, for instance?

15 THE WITNESS: In the narrows sir.

16 Q. It could happen that a grounding would
17 stop all traffic?

18 A. Yes sir, it could.

19 Q. Could traffic be diverted?

20 A. No sir.

21 Q. It would have to go back out of the
22 lake and go around?

23 A. Small ships could be diverted through
24 St. Peter Canal, depending where the grounding was, of
25 course.

26 Q. The grounding could block operations on
27 the lake?

28 A. It could, yes.

29 Q. What about grounding in the Gut of
30 Canso?



1 A. No sir, not in the Gut of Canso.

2 Q. Through the locks?

3 A. Yes.

4 Q. If the lock were damaged, what would
5 happen?

6 A. If the gate were damaged, yes sir.

7 Q. Would the traffic come to a standstill
8 in that area?

9 A. Yes sir, I would say so.

10 Q. Would Point Tupper be out of operation?

11 A. No sir.

12 Q. If it stopped traffic going through the
13 Gut?

14 A. Going through the Gut going north.

15 Q. It would not affect the rest of the
16 operation in the Gut?

17 A. No sir.

18 Q. Thank you very much sir.

19 THE CHAIRMAN: Well thank you very much
20 Captain. We will now adjourn until 9:30 tomorrow morning,
21 same place.

22
23 ---WHEREUPON THE HEARING WAS ADJOURNED UNTIL 9:30 A.M.
24 JUNE 5th, 1963.

25
26 -----

27

28

29

30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

NORTH SYDNEY
NOVA SCOTIA

VOLUME No.:

33

DATE:

June 5, 1963.

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Council Chambers, North
Sydney, Nova Scotia on the 5th
day of June, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier Chairman

Robert K. Smith, Esq. Member

Harold A. Renwick, Esq. Member

Mr. Gilbert W. Nadeau Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques, Q. C.

Mr. Leopold Langlois, Q. C. for the Canadian Merchant
Service Guild and for the
Pilots' Committee and for
the Pilotage Districts of
Sydney and Bras D'Or.

Also Present:

Capt. J.S. Scott, Technical Advisor
to the Commission



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INDEX TO WITNESSES

PAGE NO.

1		
2	<u>RYAN, David</u>	
3	Cross-examination by Mr. Jacques	3680
	Re-Direct examination by Mr. Langlois	3693
4	Cross-examination by Mr. Johnson	3702
5	<u>PARKER, Captain John F.</u>	
6	Direct examination by Mr. Jacques	3710
	Cross-examination by Mr. Langlois	3713
7	Cross-examination by Mr. Johnson	3715
	Re-cross-examination by Mr. Langlois	3717
8		
9	<u>HUNTLEY, Claude</u>	
10	Direct Examination by Mr. Jacques, con'd.	3719
11	<u>CAMPBELL, John</u>	
12	Direct examination by Mr. Langlois	3722
	Cross-examination by Mr. Jacques	3724
13	<u>PARKER, John P.</u>	
14	Examination by Mr. Langlois	3728
15	<u>CAMPBELL, Daniel John</u>	
16	Cross-examination by Mr. Jacques, con'd	3736
	Re-examination by Langlois	3842
17		
18	<u>PARKER, John P.</u>	
19	Re-examination by Mr. Jacques	3744
	Examination by Mr. Langlois	3751
	Re-direct examination by Mr. Jacques	3754
20	Re-cross-examination by Mr. Langlois	3765
21	<u>HUNTLEY, Alexander</u>	
22	Cross-examination by Mr. Johnson	3767

23

24

25

26

27

28

29

30



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INDEX TO EXHIBITS

NO.

PAGE NO.

407	Weather report for 1962 for Sydney.	3680
408	Work load for Bras D'Or District.	3722
409	List of all sick leave granted in the Districts of Sydney and Bras D'Or for 1962.	3727
410	Copy of Ship and Shore News, for April, 1962.	3736



June 5th, 1963. 3678

1 ---On commencing at 9:30 a.m.

2 MR. JACQUES: In order to complete the record,
3 I wish to read the paragraphs of the Bras D'Or Lakes
4 pilots' brief filed as Exhibit 406 which were accepted
5 by the Commissioner yesterday. "Hazards: The hazards
6 of the district are numerous. At the northern entrance
7 of Bras D'Or Lakes the boarding of a pilot is done with
8 an open powered boat of 32 feet length, privately owned.
9 The channel has a depth of 27 feet and a tide current
10 of five and a half knots. The width of channel is
11 approximately 600 feet. Four miles from the fairway
12 is situated Seal Island Bridge which also has a five and
13 a half knot current. Width of span is 500 feet and a
14 heavy tide set when tide is running in. There is a
15 narrow and crooked channel from McIvor's Point to the
16 dock at Little Narrows. The gypsum loading berth at
17 Little Narrows is a pile dock of 450 feet length with
18 no tug available. Grand Narrows Swing Bridge has a span
19 of 80 feet with a current of three knots and safe
20 passage only during slack water.

21 From Cape George in Bras D'Or Lakes to St.
22 Peters there is a narrow and crooked channel. St. Peters
23 Canal accommodates ships drawing up to 16 feet. St.
24 Peter's Bay contains numerous shoals, with additional
25 shoals and narrow channel to fairway at southern end.
26 In the Point Tupper area there are more than average
27 heavy winds, with few good anchorages due to great depth
28 of water in Strait of Canso area.

29 Pilot: Boats: All boarding of ships by pilots
30 is done by using the services of privately owned boats.



1 At the northern entrance a boatman is employed throughout
2 the shipping season by the pilots. He is paid \$150
3 monthly and is allowed to use his boat for commercial
4 fishing when not required. Gasoline and small repairs,
5 incurred in boarding or disembarking pilots, is borne by
6 the pilots. At West Arichat a pilot is embarked or
7 disembarked for the fee of \$10. At Point Tupper the fee
8 is now \$20 per ship. The pilots have been informed that
9 this amount is to be increased. Assistance to the pilots
10 by the Department for the use of these boats is \$750
11 yearly. This assistance commenced in 1951 in the amount
12 of \$200. In 1954 it was raised to \$500 and in 1960 to
13 \$750. Land travelling expenses, as well as meals and
14 lodging, are borne completely by the pilots with no
15 remuneration by the Department or shipping companies.
16 These two items occur when pilots who live at the northern
17 end of the district must travel to the southern end or
18 vice versa to service ships.

19 Industries: Major industries within the
20 Pilotage District of Bras D'Or Lakes are the shipping of
21 gypsum from Little Narrows and Point Tupper, pulpwood
22 from Baddeck, Point Tupper and other sections of the
23 Lakes, processed fish from West Arichat and, in addition,
24 British American Oil Company have storage tanks at Point
25 Tupper which their tankers service.

26 Dock facilities at Little Narrows are 33 miles
27 from the boarding station. Baddeck is 21 miles and
28 West Arichat and Point Tupper one and two miles
29 respectively. There are no tugs to assist ships either
30 docking or undocking at any berth within the district."



1
2 Captain Ryan please?

3
4 DAVID RYAN, Sworn

5
6 MR. LANGLOIS: My lord, before we go on with
7 Captain Ryan. Yesterday, I don't recall if we gave it
8 a number as an exhibit, but I undertook to file the
9 schedule of agency fees for the Port of Sydney. I
10 have them here in quintuplet. I could file three copies.

11 While I am on my feet my lord, I also mentioned
12 yesterday that weather reports would be obtained from the
13 weather look-out office as to winds and fog in Sydney
14 during the year 1962. We expected to get this report
15 from the airport this morning. Unfortunately, it will
16 not be available until this afternoon. Probably, if we
17 have not done so, we could give it a number and it would
18 be filed at a later stage.

19
20 ---EXHIBIT NO. 407:

Weather report for 1962
for Sydney.

21
22 CROSS-EXAMINATION BY MR. JACQUES:

23
24 Q. Captain, what is, in your opinion, the
25 primary use of the second boat you have here?

26 A. Mainly to service ships in the inner
27 harbour.

28 Q. Would you serve ships in low visibility
29
30



1 inside the harbour?

2 A. Yes sir.

3 Q. You would?

4 A. Yes sir, definitely.

5 Q. Do you take ships out when visibility
6 is reduced?

7 A. Yes.

8 Q. How low has it got to be before you stop
9 moving ships around?

10 A. Well, the ships equipped with radar, there
11 is just no limit. We take them in black thick fog, radar
12 equipped ships. Of course, on a ship that is not
13 equipped with radar, it would depend on the density of
14 the fog.

15 Q. To the best of your recollection how
16 many times has your main boat broken down outside when
17 she was on station?

18 A. Now in one year or two?

19 Q. Say last year, for instance?

20 A. I cannot recall last year as a particular
21 year, whether she actually broke down outside last year
22 or not but I know she has broken down on several
23 occasions over the years on the outside station and had
24 to be towed in.

25 Q. If she breaks down on the outside station,
26 would she drift out to sea?

27 A. It would depend on prevailing winds.
28 Sometimes it would be even worse, if the wind was quite
29 heavy, she would drift up on the ledges. We did occasion
30 occasion one night where some years ago that happened.



1 It was a case where the quadrant broke during the rough
2 sea and she very nearly went on the ledges before the
3 other boat could get out to get a line on her and tow
4 her off. It was a stormy dirty night and when they did
5 get the line on, she was very close to the ledges.

6 Q. You mentioned in your evidence that the
7 use of a private boat would not be satisfactory?

8 A. That is right.

9 Q. Would you explain that statement please?

10 A. There are no private boats that are
11 obtainable by the pilots on short notice that are equipped
12 to do the work. We, as a rule, hire a ship tender boat
13 here which was entirely unsatisfactory on the station
14 outside, exposed to the weather, no wheelhouse, and not
15 only that it had a little cat walk about that long on
16 each side of the hold (indicating) and there were no
17 railings, no handrail to get from the boat to the ship
18 and being very small she was very bouncy on the water
19 and it was quite risky. Not only that but with boats
20 of that type, if the weather was unfavourable they just
21 wouldn't go out to service a ship.

22 Q. Does it happen that you go from your
23 station to Sydney to board a ship by taxi or by car?

24 A. It has happened on several occasions
25 when the ice conditions in the harbour were such that
26 our boat possibly couldn't get up to Sydney or would take
27 too much risk of damaging your boat on getting up to
28 Sydney. So you would take a taxi to go around to
29 eliminate damage. Sometimes it is almost impossible for
30 the boat to get there.



1 Q. Could this procedure not be followed in
2 all cases where you have to board a ship in Sydney?

3 A. In my opinion I would say no, it would
4 be an entirely unsatisfactory arrangement because at
5 times you could get a taxi and you would get around, say
6 in a normal period of time. Other times you would get
7 a taxi and get held up in some of the traffic spots.
8 Your time to Sydney would possibly be three times as
9 long as it would be by boat.

10 Q. How much notice would you get to move a
11 ship from Sydney to sea?

12 A. Due to the peculiarities of the port,
13 sometimes you get very little notice, which we understand
14 cannot be helped. If a ship is loading coal, it is
15 almost impossible for the pier superintendent to tell to
16 the minute what time that ship is going to be loaded.
17 What time coal is going to be aboard and the hatches on.
18 There has to be a little bit of leeway given and the pilots
19 have always given that.

20 Q. How much notice would you get?

21 A. Oh, sometimes just call up and say the
22 ship is ready.

23 Q. Has that happened very often?

24 A. Well, the general procedure, yes, quite
25 often, say a certain ship is ready. That is the
26 procedure that has been going on for years here and we
27 understand it and it is quite acceptable to us because
28 unless a ship is finished -- perhaps take a little bit
29 of bunker, it is almost impossible to tell how long that
30 is going to take to put that bunker aboard. We have



1 always given a little leeway one way or the other there.

2 Q. How long does your boat take to go from
3 station to Sydney, International Piers?

4 A. About 20 to 25 minutes, depending on
5 which boat we use. One boat is a little faster than the
6 other. Ordinarily 25 minutes with the smaller inside
7 boat.

8 Q. As regards the qualifications of a pilot
9 here, in your opinion would he have to know the use of a
10 sextant?

11 A. No, in my experience here it has never
12 been necessary to use one.

13 Q. Would he have to know anything about
14 astro navigation?

15 A. No. Practically all sight navigation.

16 Q. Would he have to know anything about
17 chart work?

18 A. Yes.

19 Q. Would he have to know anything about
20 ship construction?

21 A. Not necessarily, no, except possibly a
22 certain type of ship that you go aboard, you know from
23 experience how a certain type of ship might react, as a
24 single screw ship, a twin screw ship, different size,
25 different reactions. Normally you know what to expect
26 from that type of ship.

27 Q. No further than that?

28 A. As far as having a knowledge of con-
29 struction, it is not necessary.

30 Q. Any knowledge of the care of cargo?



1 A. No.

2 Q. Stability of the ship?

3 A. No, that doesn't come under pilotage at
4 all. Except for the fact being on the ship -- it is not
5 the pilot's responsibility if the ship is not seaworthy.
6 That is responsibility of the master. You might say your
7 ship has a big list down by the head or down by the
8 stern. That is a master's responsibility, not the pilot's.

9 Q. Now the number of masters is gradually
10 dwindling in Canada.

11 A. Canadians, yes.

12 Q. Would you think a pilot in Sydney could be
13 adequately trained by making trips in and out with pilots
14 and becoming familiar with the harbour, the aids to
15 navigation, tides and currents?

16 A. By making trips with a pilot, yes, he
17 could be in my mind. That is, of course, if he has had
18 no previous experience in the port he would have to make
19 considerable number of trips to be familiar with the
20 port. If he is familiar, if he has had experience in
21 the port he might not need as many trips as a man who
22 did not.

23 Q. I realize that. My thoughts on that
24 are perhaps an apprentice system could be set up to train
25 pilots here, when required, by these men who have a
26 certificate as master of home trade vessels?

27 A. Well, years ago there was an apprentice-
28 ship system here.

29 Q. Is that in your days?

30 A. No, but as I understand it it was done



1 away with because at the time it was not considered
2 satisfactory. Now that is my understanding. I have
3 no first-hand knowledge of that.

4 Q. No knowledge of how it worked?

5 A. No.

6 Q. Does it happen that the pilots off duty
7 have to be recalled on duty?

8 A. On occasion.

9 Q. Last year how many times would you say
10 they were recalled?

11 A. Oh I don't know. I know I was called
12 down, I can't speak for the other pilots, once I am certain
13 of. Very seldom but in certain instances, at different
14 times of course -- I know it was abnormal times, but
15 during the war the pilots off duty, it was just an
16 expression pilots off duty. The pilots off duty were
17 working continuously. If you are needed, you go.

18 Q. I realize that, but I want to know
19 whether the pilots were called when they were off duty.
20 I realize that no pilot would think of refusing to go
21 even though it was his week off. That is not what I
22 implied. When you are on duty at the station, does it
23 happen pilots go out or maybe go home for a while?

24 A. Yes, during slack periods.

25 Q. In those instances are any arrangements
26 made to recall these pilots back to the station?

27 A. It is an understanding between the pilots
28 on duty at the time that if any pilot is home for dinner,
29 and he is needed, he is home. They know where to get
30 him right at the moment. They just call his telephone



1 number and he is down there in a few minutes.

2 Q. How would he get down there to the
3 station?

4 A. By car as a rule.

5 Q. Where do most of the pilots live?

6 A. Well, it is pretty well half and half;
7 on the north side of the harbour and on the south side
8 of the harbour.

9 Q. Would the south side of the harbour be
10 Sydney?

11 A. Yes.

12 Q. You mentioned that sometimes the buoys
13 are not down at the start of the season.

14 A. That is right.

15 Q. Do you miss them?

16 A. Well yes. They are an aid to navigation
17 and of course if it is hazy or half thick, it is a
18 nice feeling to know when you are coming in the channel
19 there is a certain buoy here and then when you are coming
20 up you pass close by that certain buoy, you are certain
21 of your position. If that buoy is not down, you are
22 certainly not as sure of your position, if the visibility
23 is not good.

24 Q. In fine weather would you miss them?

25 A. On turning points, they are handy on
26 turning points. On the straightaway, if it is a fine
27 clear night, and you can line up your leading lights, you
28 don't have to depend so much on the buoys, but in day
29 time our leading lights over here at Point Edward, that
30 is the green lights, are -- I was going to say impossible.



1 I shouldn't say that. -- are very very difficult to pick
2 up due to the background and the reflection of the sun.
3 It is very difficult to pick them up.

4 Q. Do you consider then that your work is
5 more dangerous to the ship when the buoys are not down?

6 A. Yes.

7 Q. How many jobs were done last winter?
8 Let's confine winter to the months of January, February
9 March?

10 A. I couldn't tell you sir.

11 Q. Did you do any jobs?

12 A. Yes.

13 Q. How many approximately did you do?

14 A. Oh during the winter, January, February,
15 March, traffic is slow then. I don't know. Of course,
16 this is only very approximate, ten, twelve jobs. I
17 couldn't say definitely. I would have to check back to
18 find out.

19 Q. Now we were told also that at the station
20 it happens that sometimes someone takes someone else's
21 turn?

22 A. Yes.

23 Q. To help him, for reasons which are not
24 important to us. In the long run can you tell the
25 Commission whether all the pilots do the same amount of
26 turns? Same number of turns?

27 A. Yes. If a man is going away and some-
28 body else volunteers to take it, if he for some reason can-
29 not be there, as a rule if somebody else takes a turn
30 for him, it might happen at another time another man has



1 to go away and possibly that pilot picks up his turn
2 so I would say in a year you wouldn't have any pilot,
3 perhaps at the most be one to two turns over a year more
4 than anyone else.

5 Q. What about the month now. Do you think over
6 a month's period the number of turns averages the
7 same?

8 A. Yes.

9 Q. Over the month?

10 A. Yes.

11 Q. To the best of your knowledge how many
12 accidents have happened to pilots boarding vessels or
13 disembarking from vessels?

14 A. Well, I couldn't tell you, but my own
15 self I had two occasions. One time I injured my knee
16 during the boarding of a ship in bad weather. The ladder
17 was swinging. It was a minor injury. Another time I
18 had a badly sprained ankle in jumping.

19 Q. In jumping from the ladder?

20 A. In jumping down, yes.

21 Q. And the first accident which you mentioned
22 was boarding a ship?

23 A. Yes. The ladder was swinging in the
24 rough heavy weather and high wind. The ladder was, some
25 of the ladders, you know, are not ideal. Some ladders
26 are very narrow. Some are wider. Some have spreaders on
27 them which hold them steady and the ladder was swinging
28 and it knocked me against the side of the ship. It was a
29 minor injury. It wasn't serious.

30 Q. In general, do you find that the ladders



1 are of adequate length and strength?

2 A. Yes, adequate length and strength. I have
3 never seen a ladder carried away.

4 Q. Is the width of the step adequate?

5 A. In some cases no. Some ships, the width
6 of the ladder is very narrow. Perhaps wouldn't be any
7 wider than that (indicating).

8 Q. For the record that would be how much?

9 A. I would say perhaps a foot, 15 inches,
10 and others perhaps two feet.

11 Q. Two feet?

12 A. Approximately now. 20 inches, two feet.
13 It makes quite a difference.

14 Q. In your experience are man ropes used
15 with ladders here?

16 A. On occasion. Not always.

17 Q. Do you need them?

18 A. No, I don't really know -- I wouldn't
19 say we need them, man ropes.

20 Q. Normally are proper arrangements made
21 for you to pass safely from the head of the ladder to
22 the ship's deck?

23 A. Yes, generally a ladder there.

24 Q. You have mentioned spreaders. Do you
25 need spreaders?

26 A. Yes. I would say spreaders may not be
27 a must, but certainly are a big help because spreaders --
28 if you don't follow me ---

29 Q. Would you explain the word "spreader"?

30 A. As we understand spreader sir, whatever



1 width the ladder is, these spreaders are boards, perhaps
2 at two or three stages of the length of the ladder,
3 horizontal to the ladder and they go out perhaps two
4 or three feet on each side and if a ladder has a tendency
5 to swing against the side of the ship, it has a steadying
6 effect upon your ladder so instead of swinging, it is'
7 steadier.

8 Q. I dare say that these ladders are
9 illuminated at night? No problem in that respect?

10 A. Yes, generally a light of some kind.

11 Q. Can you tell us whether the majority of
12 your jobs, or turns, are done during daylight or during
13 darkness?

14 A. It depends on the time of the year. This
15 year the majority are done perhaps in daylight. In the
16 fall of the year the majority are in darkness, depending
17 on the length of day or night. There is no time limit.
18 Just come in, never held up. They don't have to wait
19 outside for daylight. When a ship comes, she comes in
20 whether daylight or not, depending on the time of the
21 year.

22 Q. Would you tell the Commission what you
23 do on the bridge of a ship as pilot?

24 A. Well, when you get aboard you generally
25 ascertain from the master his draught and if he is from
26 a foreign port, if he has pratique and if everything is
27 clear, you proceed in, and as a general rule you take over
28 from the master, or possibly the master hands over to you
29 and you come in and do your job, whether docking the ship
30 or going to anchor, or moving.



1 Q. Who gives the necessary commands?

2 A. The pilot, as a general rule. Now you
3 strike the very odd ship, and I must say it is very odd
4 where the skipper prefers to handle his own ship. That
5 is very rare.

6 Q. Has that happened to you?

7 A. It has happened, yes.

8 COMMISSIONER SMITH: You work on the principle,
9 I take it, that the captain is always in command of his
10 ship?

11 THE WITNESS: Yes sir.

12 COMMISSIONER SMITH: You are there as an
13 adviser?

14 THE WITNESS: Adviser and assistant, yes sir.

15 Q. I show you Exhibit 91, which are the
16 quarantine regulations. Do you carry these with you?

17 A. Sometimes sir.

18 Q. Are you sometimes requested by masters
19 to show your copy of the quarantine regulations?

20 A. No sir, I have never yet. We sometimes
21 carry those and give them to masters of foreign ships.
22 They are left with us by the Department of Health I
23 imagine it is and we pass on that to the masters of a
24 ship from a foreign port. To my knowledge I have never
25 been asked.

26 Q. Now what about this port here, if a
27 collision and sinking were to occur anywhere within the
28 port, would it stop operations?

29 A. No, the only possibility if a ship sank
30 right off the entrance to a dock it might tie up that



1 particular berth, but otherwise, a sinking would not hold
2 traffic up.

3 Q. It would not impede traffic in and out?

4 A. No.

5 Q. It might disable a particular dock?

6 A. Yes, possibly. It would not impede
7 traffic.

8 Q. Your port operations would still go on?

9 A. Yes.

10 Q. Thank you very much.

11

12 EXAMINATION BY MR. LANGLOIS:

13

14 Q. You mentioned, Captain Ryan, if an
15 accident takes place on one of the pilot boats. Did you
16 ever have an engine room fire on that boat?

17 A. Yes sir.

18 Q. When was that?

19 A. Well, I don't remember just what year it
20 was.

21 Q. How many years ago, roughly?

22 A. I think five, six years ago. I can't
23 pin down the year. I remember distinctly there was an
24 engine room fire on number 4.

25 COMMISSIONER SMITH: Which one was it?

26 THE WITNESS: Pilot Boat No. 4.

27 Q. What happened exactly on that occasion?

28 A. I guess it was something went wrong with
29 the wiring, to my mind, to the engine room and of course
30 the extinguisher was there. But they just couldn't get



1 down to the engine room on account of the smoke. If
2 they hadn't been assisted by another boat that came
3 along that had something -- they used up, I think, the
4 fire extinguisher system they had in the other parts of
5 the pilot boat.

6 Apparently it wasn't until another boat had
7 come along with extinguishers. There may have been more
8 damage than there was.

9 Q. Was the boat disabled as a result of this
10 fire?

11 A. Well, the period of time until the
12 wiring was repaired. That is to the best of my knowledge.
13 I can't say how long it was laid up because I am a
14 little hazy on that. I remember distinctly the fire.

15 Q. Where was she?

16 A. She was out in the middle of the harbour,
17 but if she was on her way in from a job or out to a job
18 I couldn't say.

19 Q. Now, you were questioned by Commission
20 counsel as to the qualifications that a pilot should
21 have.

22 MR. JACQUES: Just regards this question before
23 you move on, were you aboard the boat at the time?

24 THE WITNESS: No.

25 MR. LANGLOIS: Q. There was a question regarding
26 the stability of ships. When you answered this question
27 did you mean to convey the idea that it wasn't necessary
28 for a pilot to know of the existence of stability problems
29 in the trimming of ships?

30 A. Well, no, not exactly. What I meant to



1 convey there, that a pilot as far as this port is
2 concerned, I would say he never has interfered or told
3 them how they should load a ship.

4 Q. Is it not a fact that the way a ship is
5 trimmed can influence the draught of the ship?

6 A. Oh yes, definitely.

7 Q. Is the draught an important factor in
8 piloting ships?

9 A. In this port except on berthing draught
10 isn't an important fact because there is plenty of water
11 in the channels.

12 Q. Would the matter of stability of a ship
13 influence the way she handles?

14 A. Her handling?

15 THE CHAIRMAN: Meaning the bow have a deeper
16 draught than the stern.

17 THE WITNESS: As we say a ship that is down
18 by the head doesn't handle as good as on even keel or
19 by a stern of it.

20 Q. Mention was made the other day of the
21 condition of certain private docks in Sydney. Would you
22 mind describing to the Commission what is a foul berth?

23 A. Well, what we consider a foul berth,
24 sir, I think it is generally accepted as the berth that
25 has obstructions extending out beyond the perpendicular
26 of the dock, and, of course, practically all our berths
27 have that due to their construction and what they are
28 used for. The coal have shutes, rads on the oil and
29 towers on the steel piers, and they all extend beyond
30 the perpendicular of the dock.



1 Q. Are these obstructions overhanging?

2 A. Yes, sir.

3 Q. What would you have to do in coming
4 along if your ship is coming along one side of those
5 foul berths?

6 A. You have to take extra precautions to
7 avoid, or say, for instance, at the coal pier, you have
8 to take precautions to keep your ship off of the pier
9 until she gets into position where she can set and put
10 her bridge between the shutes, so that they won't have
11 any superstructure damage.

12 Q. Do you mean by that you would have to
13 bring in your ship sideways?

14 A. Well, yes, I have seen at times in wind
15 conditions where you go alongside a pier, and the wind
16 is pressing your pier and you can't hold your ship off,
17 you have to run a line to another dock to heave this
18 ship on your dock so you can slide in and clear these
19 obstructions, shutes that are hanging out beyond the
20 perpendicular.

21 THE CHAIRMAN: We have seen a good example of
22 this in Halifax at the Gypsum pier. It was exactly that.

23 MR. JACQUES: No.

24 THE CHAIRMAN: There was an overhang there that
25 was very dangerous. That is what was explained to us.

26 MR. JACQUES: I understand here, I have seen
27 it. They dock ships with a list to clear the obstructions.

28 MR. LANGLOIS: I was coming to that.

29 Q. Would you have to put a list on your
30 ship in some instances as you get alongside these foul



1 berths?

2 A. Well, it is imperative to clear those
3 shutes that you have a list. Unfortunately some ships
4 are unable to give a list, and those are the ships we
5 will possibly have to run a line to another dock to hold
6 your ship off. If your ship doesn't have sufficient
7 lists she will not clear.

8 Q. That is exactly what I had in mind when
9 I started asking you questions about the condition of the
10 piers. Would the effect of giving a list to the ship
11 have something to do with the stability of the ship?

12 A. Yes, it would. A ship that is on even
13 keel has stability.

14 Q. Wouldn't it be important for the pilot
15 to have some knowledge of stability?

16 A. Oh yes, some knowledge.

17 Q. Now, you mention Point Edward ranges
18 which were difficult to pick up in day time?

19 A. In day time, yes.

20 Q. What colour are they painted?

21 A. White at the moment.

22 Q. Did they ever use orange flame?

23 A. They tried orange once and it didn't --
24 it might be the background, trees and the farm lands and
25 it is a gradual incline and they tried different colours
26 on those. In the day time if the afternoon sun is
27 reflecting on it it is bad. They haven't come up with
28 anything that would make them stand out too well.

29 Q. Do you think an orange flame would improve
30 visibility of those ranges?



1 A. If I remember they did have them painted
2 orange some years ago and they changed that to red and
3 white. We didn't find the orange satisfactory either.

4 Q. What about increase in the size of the
5 towers on these ranges?

6 A. Well, that would help.

7 Q. Mention was made of the ladders used to
8 board and disembark from ships. You stated, and correct
9 me if I am wrong, that different types of ladders were
10 used, some were not too safe. Do you think it would be
11 a good thing to place an obligation on ships requiring
12 pilots to have standard approved ladders?

13 A. By that, sir, do you mean the so-called
14 Jacobs ladder or accommodation ladder?

15 Q. Duly approved by the Pilotage Authority?

16 A. Jacobs ladder, yes.

17 THE CHAIRMAN: While we are on the subject of
18 these recommendations we have seen so far that in various
19 places they have different ways, so there would be a
20 difficulty here. Here it might be because you board at
21 sea. This way might be preferable for you. We have
22 seen at the west coast they use accommodation on account
23 of the swell. They prefer to have a combination ladder --
24 accommodation ladder, the two together, one going halfway
25 up the ship and the other the other part.

26 THE WITNESS: Sometimes we board in pretty
27 heavy weather and I don't think an accommodation ladder
28 would be the answer because, I mean, it would be possible
29 to get that ladder swinging and I think she would be
30 going like a kite and the pilot on the bottom and I think



1 he would prefer to go on a Jacobs ladder with a ship
2 rolling, swinging back and forth.

3 THE CHAIRMAN: A combination of both, an
4 accommodation ladder up to about mid-ship and overhanging
5 that, they have for the rest of the distance a Jacobs
6 ladder.

7 MR. JACQUES: At this stage on the question of
8 the pilots' ladder I wish to draw the attention to the
9 Commission of Regulation 17 concerning pilots' ladders,
10 Chapter 5 of the International Convention for the safety
11 of life at sea, 1948 which reads as follows, if the
12 Commission wishes.

13 THE CHAIRMAN: Yes.

14 MR. JACQUES: Regulation 17, Pilots' ladders:
15 All ships engaged in voyages in which pilots are likely
16 to be embarked should comply with the following
17 regulations respecting pilots' ladders: (a) the ladder
18 should be kept in good order and used as far as possible
19 only for embarking and disembarking pilots and other
20 officials while the ship is arriving at or leaving the
21 dock; (b) the ladder should be of adequate length and
22 strength; (c) the treads should be of adequate width;
23 (d) two man ropes properly secured and where circumstances
24 so require be used in conjunction with the ladder; (e)
25 arrangements should be made such that the pilot can
26 safely pass from the head of the ladder to the ship's
27 deck; (f) spreaders at suitable intervals should be
28 provided if necessary to prevent the ladder twisting;
29 (g) at night a light shining over side should be
30 available and used.



1 MR. LANGLOIS: I wish to remark that these
2 regulations don't set down the type of ladder and there
3 is also no mention of dimensions of such ladders.

4 MR. JACQUES: Since the subject came under
5 discussion I thought I would draw the Commission's
6 attention to it.

7 THE CHAIRMAN: It is good to have a reference
8 in the record.

9 MR. LANGLOIS: Q. Are any ladders carried
10 in your pilot boats?

11 A. Ladders?

12 Q. Ladders.

13 A. Yes, sir.

14 Q. What type?

15 A. We have a wooden ladder in each one of
16 our pilot boats.

17 Q. You don't carry those light aluminum
18 type of ladders?

19 A. No, it is a wooden ladder.

20 Q. Are these ladders that you carry provided
21 with hooks that can be hooked over the bulwark?

22 A. Yes.

23 MR. JACQUES: One moment. What certificate
24 have you got?

25 THE WITNESS: Masters Home Trade.

26 MR. JACQUES: Did you have to study stability
27 problems?

28 THE WITNESS: No, not when I took it.

29 MR. JACQUES: Not when you took it.

30 THE WITNESS: I understand it is in force today,



1 but not when I went for my ticket.

2 MR. JACQUES: Is it So there stability problems
3 of which you are aware and your knowledge of stability
4 of ships is gained through experience?

5 THE WITNESS: Through experience, yes.

6 MR. JACQUES: Thank you.

7 MR. LANGLOIS: Just one question, changing the
8 subject. There is one question I should have asked you
9 yesterday to clarify one of the answers I received from
10 the witness. Mr. Ryan, when I questioned you regarding
11 your recommendation for a Board of Pilotage, would you
12 mind telling the Commission what you and your colleagues
13 have in mind when you suggest a Pilotage Board?

14 THE WITNESS: Well, we have found possibly in
15 the past our relations with the Department have not' been
16 too good. I mean they are not strained. I don't mean
17 that. We seem to be of the opinion, and of course, it
18 is our own opinion, this has been brought about a lot
19 by the increase in the work the Department has to do
20 and they just haven't got the time to give to certain
21 problems because of the Seaway and other factors.

22 THE CHAIRMAN: In other words too much
23 centralization there and they are over-burdened?

24 THE WITNESS: Yes sir, and we are of the
25 opinion that if a Board were appointed, one a representa-
26 tive of the pilots, one a representative of shipping
27 interests and one a representative of the Minister and
28 that Board was responsible to the Minister of Transport,
29 naturally, that it would be a more satisfactory arrange-
30 ment.



1 MR. LANGLOIS: Thank you.

2 MR. JOHNSON: May I ask the witness a couple
3 of questions?

4
5 CROSS-EXAMINATION BY MR. JOHNSON:

6
7 Q. Mr. Ryan, you referred to obstructions
8 in our facilities at Sydney. Do you not feel that there
9 obstructions or hazards at other ports, not necessarily
10 only Sydney?

11 A. I would say they are more common at
12 Sydney. It is due to the nature of the loading and
13 discharge. It can't be avoided. They are part, they
14 have to have the obstructions. I don't mean to say
15 they are something that can be avoided.

16 Q. Wouldn't that be common to such ports
17 as Little Narrows, and other river ports?

18 A. That I couldn't say. At those ports,
19 some loading ports they handle bulk carriers and where
20 their equipment is newer they have the equipment such
21 that they don't have anything protruding over the
22 perpendicular dock. Ports that have the older type of
23 equipment you will get that, yes.

24 Q. One other question, Mr. Ryan. You
25 mentioned yesterday the preferred rates enjoyed by
26 Dosco were abolished in 1947, due evidently to the
27 reduction in tonnage compared to previous years.

28 A. Reduction in earnings. I may have said
29 tonnage. I can't remember what I said yesterday.
30 Reduction in earnings is what I meant. I may have said



1 tonnage. I don't know.

2 Q. My question was your Schedule A shows
3 there has been a gradual increase from 1952 to 1962. Do
4 you feel as the tonnage increases, your earnings are
5 increased we should be in a position to negotiate preferred
6 rates again?

7 A. That I don't know. I am going from
8 memory. I suppose you have the figures. I wouldn't say
9 your tonnage has increased because I remember in 1951,
10 1952 -- those years there were up to 15 coal boats on
11 charter.

12 Q. Your Schedule A indicates a gradual
13 increase from 1952 to 1962?

14 A. In earnings or tonnage?

15 Q. Tonnage which is the basis of your
16 earnings.

17 A. That total is not, to my knowledge, is
18 not exclusively Dosco tonnage..

19 Q. Definitely not. It is one of the bigger
20 portions?

21 A. Yes, it is.

22 Q. One other thing, the tug boat has been
23 brought up on numerous occasions. At one time the tow
24 boats' skippers did the docking at our facilities at
25 Sydney. Do you think that would be a preferable arrange-
26 ment rather than the present arrangement?

27 A. No, if you remember -- I don't know
28 whether you were there at the time or not, that practice
29 was discontinued by your own traffic director, John
30 MacIsaac.



1 Q. You wouldn't prefer it?

2 A. Us?

3 Q. Yes.

4 A. No.

5 MR. JOHNSON: Thank you.

6 COMMISSIONER SMITH: I would like to return
7 for a moment to the recommendation of the pilots for a
8 Board under the jurisdiction of the Minister to take the
9 place of the present set-up. There are various types
10 of Crown corporations, Crown agencies, emanations of the
11 Crown, corporations under the jurisdiction of the
12 Minister, corporations under the direction of the Minister.
13 For instance, the National Harbours Board for a while
14 was under the direction of the Minister, not necessarily
15 under the jurisdiction of the Minister. Then there are
16 others like the C.N.R. which is a remote agency, not a
17 propriety agency, and various other types of Crown
18 corporations or agencies. Now, which one do you have
19 in mind, one under the jurisdiction of the Minister
20 directly or more indirectly under the direction of the
21 Minister?

22 THE WITNESS: Well, I couldn't say. I would
23 say under the jurisdiction of the Minister.

24 COMMISSIONER SMITH: Under the jurisdiction?

25 THE WITNESS: That is my own personal opinion.
26 I can't say -- we

27 COMMISSIONER SMITH: That is pretty much
28 maintaining the situation that you have today with the
29 District under the Authority of the Minister. I mean,
30 the only difference that I can see in the situation would



1 be a separate Board instead of the Local Pilotage
2 District, if I am correct in my interpretation?

3 THE WITNESS: I think what we have in mind is a Board
4 that would be concerned with pilotage alone, and not
5 concerned with other departmental matters.

6 COMMISSIONER SMITH: You mean separate pilotage
7 entirely from the Department of Transport?

8 THE WITNESS: Yes, sir.

9 COMMISSIONER SMITH: Get it under a separate
10 set-up?

11 THE WITNESS: Separate set-up, yes sir.

12 COMMISSIONER SMITH: Under the jurisdiction of
13 the Minister?

14 THE WITNESS: Yes, sir.

15 COMMISSIONER SMITH: I just wanted to be clear
16 on that.

17 THE CHAIRMAN: In other words, what you are
18 proposing is that the pilots of the Pilotage Authority
19 be decentralized from the Minister to a local commission
20 responsible to the Minister, meaning if you are not
21 satisfied with the Local Commission here -- meaning that
22 the local commission here would have the power to do
23 almost everything the Minister can do now but should you
24 not be satisfied with their decision you can appeal to
25 the Minister?

26 MR. LANGLOIS: My lord, it is a bit complicated.
27 I should say at the very start that this recommendation
28 will be further explained when we are making our final
29 recommendations at the wind-up sitting in Ottawa. What
30 the pilots have in mind, not only here in Sydney, but in



1 the other Districts is to replace the present Pilotage
2 division of the Department of Transport in Ottawa by a
3 Board. This Board will have three appointees, one by
4 the Minister, one representing the shipping industry and
5 the other one representing the pilots, so that all those
6 interested in the good administration of pilotage will
7 have a say in the administration of the Division, but
8 this Board will be directly responsible to the Minister
9 and not to the Deputy or to any other high official of
10 the Department of Transport. This will not necessarily
11 do away with the Local District, local supervisor or
12 superintendent of Districts which can carry on in the
13 same manner as they are carrying on now, but would be
14 responsible to this Board.

15 THE CHAIRMAN: The jurisdiction of the Board
16 would be Canada-wide?

17 MR. LANGLOIS: Canada-wide.

18 COMMISSIONER RENWICK: And they would be
19 situated in Ottawa?

20 MR. LANGLOIS: In Ottawa.

21 THE CHAIRMAN: Any other questions? Coming
22 back with regard to the tow boat, I gather from the
23 evidence so far that the use of tow boats in your duties
24 is not a very frequent occurrence?

25 THE WITNESS: It is, yes.

26 THE CHAIRMAN: It is?

27 THE WITNESS: Yes.

28 THE CHAIRMAN: Would you explain to us what
29 is the procedure that you have in using the tow boat, in
30 communication with the tow boat and docking?



1 THE WITNESS: Well, as a general practice here
2 when this port to a considerable extent has the same --
3 they make weekly trips or ten-day trips or whatever it
4 is and we know from experience which ships have tow boats
5 and the tow boat knows and certain ships come in and the
6 tow boat comes out to meet the ships, so there is no
7 problem at all with these ships. Other ships, when we
8 will sometimes have a tow boat arranged for through the
9 agent and sometimes the tow boat will come out on spec,
10 a ship of a certain size coming in and there is no order
11 for a tow boat, the tow boat will come out on spec and the
12 ship in a large number of cases will use it.

13 MR. JACQUES: How do you pass on orders to the
14 tug when docking?

15 THE WITNESS: By whistle.

16 MR. JACQUES: Mouth whistle?

17 THE WITNESS: Or ship's whistle. Sometimes we
18 use -- you don't use both because we only have one tow
19 boat. If you have two tow boats you have to use both.

20 MR. JACQUES: I realize this. It is not
21 typical of Sydney. You have one whistle or the other.

22 THE WITNESS: One whistle or the other.

23 MR. JACQUES: And your orders would be
24 according --?

25 THE WITNESS: To the manoeuvre you wanted the
26 tow boat to make.

27 MR. JACQUES: You would have a different signal
28 for each manoeuvre?

29 THE WITNESS: Yes.

30 MR. JACQUES: Have you thought of using a radio



1 telephone?

2 THE WITNESS: Well, we have discussed it here
3 very informally among ourselves because we have seen it.
4 I may say I have personally not had the experience. I
5 have heard some of the pilots where they have. By radio
6 telephone you mean walkie-talkie?

7 MR. JACQUES: Yes.

8 THE WITNESS: They have seen a few ships with
9 walkie-talkies, the first mate fore, second mate aft and
10 one on the bridge. They say it is an ideal arrangement.
11 I have personally never run into one of them.

12 THE CHAIRMAN: Would it be useful for you here?

13 THE WITNESS: Yes, I think so, sir, because
14 sometimes even with the more modern ship where they have
15 a telephone system to the foc'sle head, sometimes due
16 to the dampness or weather conditions it is not working.
17 Now, most of the more modern ships have what is commonly
18 called loud hailers on the bridge that gives the order.
19 It could be garbled through noise or a windy day. Ships
20 with bridge aft, and the ships meet 500 feet away,
21 sometimes it could be garbled. I think walkie-talkies
22 would be a very good arrangement.

23 THE CHAIRMAN: More flexible?

24 THE WITNESS: And more certain that the order
25 wouldn't get mixed up through outside interference of
26 noise or wind or anything.

27 THE CHAIRMAN: Any other questions?

28 MR. JOHNSON: One more question. I don't
29 believe you said this, Mr. Ryan, I believe it was Mr.
30 Hunter, that the harbour tug is not suitable. I am



1 wondering if you can give us any accidents that were
2 the result of the tug in Sydney?

3 THE WITNESS: I think what was meant there
4 is due to the size of the tug; here manoeuvrability
5 is limited as far as assisting in docking ships, a
6 docking tug boat in usual terms must spin on a dime.
7 The tow boat in Sydney can't. She is an ocean-going
8 salvage tug and she has a bigger arc when she turns,
9 as we all know. She takes a considerable arc. We
10 say half the harbour, but she certainly can't manoeuvre
11 anywhere in comparison to what a docking tug boat should.

12 MR. JOHNSON: Do you know of any accidents
13 as a result of her in Sydney?

14 THE WITNESS: Accidents?

15 MR. JOHNSON: Yes.

16 THE WITNESS: Well, personally as far as my
17 memory serves me there has been what you might call close
18 calls, perhaps the bowline parts, which happens periodi-
19 cally anyway, to get in position again sometimes you
20 delay for 15 or 20 minutes manoeuvring around. She makes
21 a big circle again. The ordinary docking tug would
22 spin around and get back in position.

23 It wasn't meant to criticize the service
24 rendered by the tow boat or any reflection on the men
25 in the tow boat. It was just the build of the tow
26 boat, and her size, cuts down on the manoeuvrability.

27 MR. LANGLOIS: If I understand your testimony
28 correctly, the unsuitability of the tow boat was compensated
29 by the extraordinary ability of the pilots.

30 THE WITNESS: I won't answer that one.



1 MR. JACQUES: Thank you very much.

3 CAPTAIN PARKER, Sworn

5 EXAMINATION BY MR. JACQUES:

7 Q. Sir, would you explain to the Commission
8 your version of the negotiations for the 5% increase in
9 the rates, and also the increase on exemption from 250
10 tons to 1,000 tons? Have you any correspondence on that,
11 and if so, what is contained in your correspondence?

12 A. There was very little correspondence on
13 this. Practically none. It was done mostly over the
14 phone and by visit with the officers from Pilotage. At
15 the time, the small shipowners, Canadian shipowners were
16 protesting vigourously against paying pilotage which they
17 did not think was necessary. That is in the case of
18 coastal vessels entering Sydney Harbour and particularly
19 the ones slightly in excess of 250 tons net. It was
20 under 250 tons net they were exempt.

21 We had a case here of several vessels owned
22 by Canadian firms which were slightly over 250 tons net
23 and it is my belief that these owners got together and
24 presented a brief to the Minister that it was not
25 equitable for them to try and compete with other small
26 vessels of foreign registry, of foreign or U.K. registry
27 where the prices of crew and operation were much less
28 than theirs, as a rule. In 1960, in the summer of 1960
29 Captain Seeley of the Department came here with a
30 proposed amendment to Article 5 of the 1955 by-laws.



1 Q. This article is now Article 6 in the
2 present by-laws?

3 A. Yes. A meeting of the Committee was
4 called whereby this matter was discussed and a quick
5 calculation showed that if we dropped these vessels, or
6 raised the exemption on the British vessels to 1,000
7 tons, which would include practically all the Canadian
8 National vessels, with the exception of the William
9 Carson and Cabot Strait, with an increase of 5% imposed
10 on the larger vessels, it would be almost completely
11 equitable. The pilots then agreed to this.

12 Q. To the best of your recollection was
13 this matter discussed with the pilots before it became
14 official?

15 A. It was discussed in a very informal way.
16 It was put to the pilots more in the sense do they have
17 any objection.

18 Q. Were you present when these matters were
19 discussed?

20 A. Yes. We discussed this over a matter
21 of, not too long a time, a matter of weeks and as the
22 pilotage commission of that time quickly saw that their
23 revenue would not be adversely affected, it would relieve
24 the small ship masters, but still it was in the domestic
25 vessels only, we understood British vessels only, they
26 agreed. The amendment was then made in the summer of
27 1960 as paragraph 5 of the existing by-laws. Paragraph
28 5 was rewritten and then in 1961 a new set of by-laws was
29 passed down for our perusal and after, I think three
30 changes, the Pilots' Committee then wrote a letter approving



1 the by-laws.

2 Q. To the best of your recollection, and
3 using your files if you wish, do you recall if any
4 correspondence on that subject was directed by the
5 Department to the Pilots' Committee?

6 A. No, I don't think there is sir. I can't
7 find it in my files. The only thing I can find is when
8 the new by-law was drawn up, it was submitted to them.
9 Of course, the thing had been in operation for some time.

10 Q. Prior to this new rule becoming effective,
11 there had been a meeting you said, at which this was
12 discussed?

13 A. Yes, there were meetings.

14 Q. Was the Pilots' Committee called to that
15 meeting?

16 A. Yes, it was with the Pilots' Committee.

17 Q. Was it with the pilots individually or
18 was the Committee called as a Committee?

19 A. As a Committee. As a meeting. It is
20 customary when any official comes here from Ottawa that
21 we have a meeting, and it is automatic that the Committee
22 attend.

23 Q. Would you have anything to add to the
24 evidence which was given here for the past two days on
25 pilotage in Sydney?

26 A. I would like to say a little bit more about
27 that Section 6, which is now under scrutiny. It is the
28 one which exempts the vessels of British registry. As
29 we understood it, it exempts British vessels of less than
30 1,000 tons from compulsory pilotage. I believe in :



1 re-reading the section that some officials of the
2 Department believe that that also exempts foreign
3 vessels, which view I do not take, nor do the pilots.
4 That is to say, we believe that all foreign vessels
5 entering this port should pay pilotage, regardless of
6 size.

7 Q. I would gladly give you my opinion, but
8 unfortunately I cannot do so.

9 COMMISSIONER SMITH: My lord, I would like to
10 ask a question or two. It has to do with the Bras D'Or
11 district. Do you intend to call ---

12 MR. JACQUES: I was just completing Sydney
13 district in order to give a chance to my learned friend
14 to carry on with his cross-examination.

15
16 CROSS-EXAMINATION BY MR. LANGLOIS:
17

18 Q. Captain Parker, if I understood you
19 correctly in regard to this exemption up to 1,000 tons,
20 the pilots were not consulted but they were advised that
21 a decision had been made in Ottawa and they were asked
22 if they had any objection to it? Was that not the
23 situation?

24 A. I think that is more or less the way it
25 was at the time. This thing was brought on in rather
26 a hurry and they said in the future we are going to exempt
27 small ships. We talked about it for years before. It
28 had been talked about here for years.

29 Q. We had a case where a man had one ship
30 trading out of here, was 256 net tons and he had to pay



1 pilotage on that. He had to pay pilotage on his movages
2 and on a similar ship which, ironically enough carried
3 a little bit more cargo, was registered at 246 net tons
4 and he paid no pilotage. He was not under compulsory
5 pilotage and this ate away at these small-shipowners
6 until they finally were able to persuade the authorities
7 in Ottawa to change the exemption but it was rather a
8 surprise I think, but I am quite certain, in my mind, I
9 did talk it over with them and the fact that it did not
10 change their income, the pilots did not object to it.

11 Q. Is it not further correct to say that
12 the pilots did not object for two reasons: First, because
13 their revenue would not be adversely affected; and
14 second, because they were given to understand that this
15 exemption would apply only to British vessels and
16 particularly to C.N.R. vessels?

17 A. I don't think it was C.N.R. so much.

18 Q. Ships chartered to the C.N.R.?

19 A. No. Oh yes, ships chartered to C.N.R.,
20 to some extent, not wholly. There are other traders
21 here who do not charter to C.N.R.

22 Q. Other coastal vessels, but there was an
23 understanding that this exemption would apply only to
24 British registered vessels?

25 A. That was our understanding.

26 Q. Would you be prepared to inform the
27 Commission on the amount of money which the International
28 Railways did save in payment of pilotage dues as a
29 result of this right of exemption to 1,000 tons net?

30 MR. JACQUES: If I may interject, Mr. Huntley,



1 the accountant, has prepared a list of the ships which
2 were not exempt before and which are now exempt and this
3 includes the C.N.R. vessels.

4 MR. LANGLOIS: That is very nice information
5 to have, but my question goes a bit further than that.
6 We would have to know how frequently these vessels called
7 into Sydney since the exemption was raised.

8 MR. JACQUES: All you have to do is multiply
9 by the pilotage rates.

10 MR. LANGLOIS: We don't know how often they
11 called.

12 MR. JACQUES: I will give you this information.

13 MR. LANGLOIS: If you give me this information,
14 that is all right.

15
16 CROSS-EXAMINATION BY MR. JOHNSON:

17
18 Q. Captain Parker it was indicated in
19 evidence yesterday that 30% or more of your revenue was
20 received from the C.N.R. for which no pilotage service
21 was provided. You advised, under questioning by the
22 Canadian National Railways' counsel, Mr. Duncan, at that
23 time that while the service was not provided, pilots
24 were available to perform the service. Now assuming
25 you reduced your present pilotage staff by 30%, simple
26 arithmetic would tell us that 30% of 12 pilots would be
27 3.6, or bringing your staff down to 8.4 pilots who would
28 look after the district probably without any additional
29 hardship. Do you feel that is in line with our Mr.
30 Campbell's suggestion on Monday as to the reduction of



1 the staff?

2 A. That is kind of a hard question to
3 answer because the vast amount of revenue received from
4 the Canadian National Railways was due to one vessel,
5 the William Carson, which is on a regular scheduled run
6 and shows up in exact times each day, and it would be
7 quite easy to look after, as providing pilots -- there
8 would be very little stand-by time, waiting for that
9 vessel but as we have never carried out a full scale
10 service to the Canadian National Railway, although we
11 have been prepared to, it is kind of difficult to state
12 how much it could be cut down.

13 Q. Well, we are agreed that we had not made
14 a survey, it was just indicated a required staff of eight.
15 You feel eight would not be sufficient do you?

16 A. I feel that eight would not be sufficient
17 because there are several factors that come into the
18 argument about using eight. If you had eight on a
19 dispatch system like we have now, which is used in one
20 way, that is to say these men are dispatchers as well
21 as pilots. On the assumption there would be some other
22 form of dispatching, we would have to hire considerable
23 additional shore staff to handle the dispatching. I
24 do not think we could handle the dispatching and provide
25 service to the ships with eight men because one man
26 of those eight is the dispatcher. There always has to
27 be one left in the station.

28 Q. You indicated ten and we indicated eight,
29 and this appears, if the pilots are available to perform
30 this service, by using simple calculation, it agrees more



1 or less with our figure.

2 A. It should be understood that one man of
3 the watch is out, cannot go piloting until he is relieved
4 so if you have eight men on watch, one man remains
5 behind. You could perform four jobs at one time, which
6 happens with considerable frequency even on your own
7 docks.

8 We have had occasion to use four pilots, or
9 even five at one time and we might just say there would
10 be one pilot outside for arrival, one pilot taking a
11 ship away from a dock, another pilot moving a ship
12 at your dock and another pilot taking a ship in from
13 anchor, for instance. That would take up the whole thing.
14 That happens quite frequently.

15 If there were not sufficient pilots, you
16 would expect a considerable delay while one pilot did
17 one job and then went on to the next. We understand
18 that Dosco in the future will come under considerable
19 penalties if there are delays in getting these ships
20 into the docks and we feel that to reduce below ten
21 pilots would produce occasions when you just can't call
22 for a pilot and have him immediately there because he
23 would be employed on one of your own jobs.

24 Q. Thank you, no more questions, my lord.

25

26 RE-CROSS-EXAMINATION BY MR. LANGLOIS:

27

28 Q. Assuming, Captain Parker, that you would
29 have to hire this dispatcher to do the job presently
30 done by pilots, how many additional men on staff would



1 you need to do the dispatching?

2 A. I think that would depend on just how
3 they wanted to do it but normally there would be four
4 men which would be minimum.

5 THE CHAIRMAN: Four men, eight hour day?

6 THE WITNESS: That is to maintain a 24-hour
7 watch schedule.

8 THE CHAIRMAN: Seven days a week?

9 THE WITNESS: Yes, and completely through
10 the year. I believe that there are other methods by
11 which you may reduce that by one man, by utilizing the
12 office staff for part of the day, but I would say it
13 would be minimum of four men. Of course, accommodation
14 would have to be provided for those men whether it would
15 be practical to do this dispatching from our Government --
16 the Federal Building such as the one we have here where
17 they want to lock the door there at five o'clock, so
18 special arrangements would have to be made to use that
19 building at night.

20 The other alternative would be to use Indian
21 Beach station as a dispatching point and the Department
22 at present have raised the issue that the building
23 should be done away with. Well, if we use a dispatcher,
24 we would have to have another building, or another
25 place adjacent to the dispatching point, whether on
26 this side or the other side.

27 Q. Are you conversant with the set-up in
28 Halifax with dispatching pilots?

29 A. Not very well sir.

30 MR. JACQUES: Thank you Captain Parker. Mr.



1 Huntley please?

2

3

CLAUDE HUNTLEY, Sworn

4

5 EXAMINATION BY MR. JACQUES:

6

7

Q. Have you prepared the list of the number

8

of vessels between 250 tons and 1,000 tons net register

9

which called at Sydney during the last year when the 250

10

ton exemption was in force?

11

A. I have.

12

Q. Would you state the figures which you

13

have obtained please?

14

A. For the fiscal year April 1st 1959 to

15

March 31st 1960, the number of ships of British registry

16

between 250 to 1,000 net tons which took no pilot was

17

approximately 190 ships. Now, the same tonnage, 250

18

to 1,000 net tons that took a pilot at the same period

19

were 41 ships. This would amount to approximately

20

\$6,000. It would take considerable time to figure it

21

out exact, have to get exact tonnage.

22

MR. LANGLOIS: What was your figure?

23

THE WITNESS: Approximately \$6,000.

24

Q. Which was paid in pilotage dues for those

25

ships?

26

A. Yes.

27

Q. Would these figures include the C.N.R.

28

vessels?

29

A. Those are C.N.R. vessels, yes.

30

Q. C.N.R. charter vessels?



1 A. Yes.

2 Q. And other British registry coastal
3 vessels?

4 A. That is true.

5 Q. Have you prepared for Sydney two break-
6 downs of the work load for the busiest pilot during the
7 busiest month? If so, would you give that breakdown?

8 A. Yes. For the year 1962, September, 18
9 turns were performed by Pilot Boutier.

10 Q. Do you know on what dates they were
11 performed, and if so, how many turns were performed each
12 day?

13 A. The following dates were: September
14 the 1st, one turn; September 2nd, one turn; September
15 3rd, one turn; September 4th, one turn; September 5th,
16 one turn; September 13th, one turn; September 14th, one
17 turn; September 15th, two turns; September 16th, one turn;
18 September 17th, one turn; September 18th, one turn;
19 September 27th, two turns; September 28th, one turn;
20 September 29th, one turn and September 30th, two turns.

21 Q. Between the 5th and the 13th, that would
22 be the week off?

23 A. Yes.

24 Q. And also between the 18th and 27th?

25 A. Yes.

26 Q. Have you the same breakdown for the least
27 busy month?

28 A. That would be the month of December. We
29 have two pilots who performed 12 turns. They were
30 Pilot J. Wilson and Pilot J. Campbell. Now, the dates



1 for Pilot J. Wilson: December 12th, two turns; December
2 13th, two turns; December 14th, one turn; December 15th,
3 one turn; December 16th, one turn; December 19th, one
4 turn; December 27th, one turn; December 28th, one turn;
5 December 29th, one turn; December 31st, one turn.

6 For Pilot Campbell: December 1st, one turn;
7 December 3rd, two turns; December 4th, two turns;
8 December 19th, one turn; December 20th, one turn;
9 December 21st, one turn; December 22nd, two turns;
10 December 23rd, one turn; December 24th, one turn.

11 Q. Now, my lord, that completes the evidence
12 for Sydney. I have the information and work load for
13 Bras D'Or which I would ask this witness to file if
14 it is agreeable to your lordship. In Bras D'Or district
15 would you tell the Commission the number of turns which
16 were done during the busiest month and also the number
17 of turns during the least busy month?

18 A. For the Bras D'Or Lakes, for the year
19 1962 the month of July the most turns by one pilot were
20 15. The name of the pilot was L. Kaiser and the dates
21 he performed these 15 turns were: July 1st, 5th and 6th,
22 7th, 8th, 10th, 11th, 14th, 15th, two on the 16th, two
23 on the 17th, 28th and 29th.

24 Now, May was the least number of turns also
25 performed by Mr. L. Kaiser and the dates were: May 13th,
26 14th, 22nd, 23rd, 27th, 29th, 30th and 31st.

27 Q. Now, my lord, I should like to annex to
28 Exhibit 396, which is the work load for the Sydney
29 District the breakdown which was read into the record by
30 the witness.



I should like to file as Exhibit No. 408 the
breakdown of the work load for the Bras D'Or district.

---EXHIBIT NO. 408: Work load for Bras D'Or
District.

MR. JACQUES: Thank you sir.

THE CHAIRMAN: I understand on the same subject
counsel for the pilots is going to furnish later on
other statements that are being made now.

MR. LANGLOIS: Yes, my lord.

MR. JACQUES: Your witness, Mr. Langlois.

MR. LANGLOIS: I have got the information I
wanted. I have no questions.

THE CHAIRMAN: Thank you very much. We shall
now adjourn for ten minutes.

---Short recess.

MR. LANGLOIS: My lord, before we deal with
the Bras D'Or Lakes pilotage I have one more witness
to call for a few questions about the Sydney District.
I will call Captain Campbell to the stand.

JOHN CAMPBELL, Sworn

DIRECT EXAMINATION BY MR. LANGLOIS:

Q. I understand, Captain Campbell, that you
are one of the Sydney pilots?

A. Yes, sir.

Q. How long have you been a pilot, sir?



1 A. Since 1935, 28 years.

2 Q. You were in this room and heard evidence
3 in regard to the turns done by individual pilots. Would
4 you tell the Commission your longest turn as a pilot?

5 A. Three days.

6 Q. When was that?

7 A. Two and a half days in the ship and 12
8 hours getting on the ship before I got aboard.

9 Q. When was that? Would you give the
10 particulars of this instance?

11 A. I boarded the Yorkwood at 8:30, February,
12 1962, the 15th of February. I left her and boarded the
13 ice-breaker C.G.S. Labrador, 1500 hours on the 15th and
14 remained aboard the Labrador. The Olympic Cloud, 1100
15 hours on the 17th and I left the Olympic Cloud at 1830
16 on the 17th. Boarded the Olympic Cloud 0600 on the 20th
17 and the C.G.S. Labrador at 1800 hours on the 22nd and
18 left the C.G.S. Labrador by helicopter at 0900 on the
19 23rd.

20 Q. You mentioned the Labrador, you refer to
21 the ice-breaker?

22 A. Yes.

23 Q. And the duration of this turn was due
24 to ice conditions?

25 A. Ice conditions, yes.

26 Q. Now, you have also heard the evidence
27 given in respect to the minimum number of pilots with
28 which the harbour could be adequately serviced. Would
29 you mind giving the Commission your views in this respect?

30 A. Well, I believe that Dosco has been very



1 inconsiderate. There are certain factors they haven't
2 taken into consideration. They are probably a bit
3 selfish, unintentionally, I would say. They haven't
4 considered that we have two years sick leave and it is
5 not beyond the realm of possibility that two pilots
6 could be off at the same time on sick leave for two years.
7 Also I know cases where Portuguese ships come in six and
8 seven at a time and we had to call an extra pilot. We
9 had to call a pilot a year ago when there were seven on
10 duty and Portuguese ships came in six and seven at a
11 time. They shipped four at a time. I wonder what Dosco
12 would say if those ships were incoming, Portuguese and
13 Spanish -- you don't get through with them very rapidly
14 as you can with other ships. You have to wait until they
15 clear. They are very particular about the Spanish ships.
16 You get these ships coming in in bunches. They all come
17 together. I think they are very inconsiderate, but I
18 don't think they intended to be. Our relations are very
19 good with Dosco, particularly those that we have immediate
20 contact with.

21 MR. LANGLOIS: Thank you.

22
23 CROSS-EXAMINATION BY MR. JACQUES:

24 Q. When you left the vessel you were piloting,
25 I have forgotten its name.

26 A. The Olympic Cloud.

27 Q. I am given to understand that the
28 Labrador had to go alongside, pack ice between the two
29 ships and you got off the ladder and boarded the Labrador?

30 A. That is right.



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Campbell, cr.ex.

(Jacques)

3725

1 Q. Is that the first time you did that?

2 A. That was the first time that I had done
3 that, leaving a ship, yes.

4 THE CHAIRMAN: You just mentioned the longest
5 turn you had. I understand this is the winter period
6 and that is your slack season.

7 THE WITNESS: Yes.

8 THE CHAIRMAN: What would be the longest job
9 you had during the peak season?

10 THE WITNESS: Well, I can recall one 18 hours,
11 all told, I believe, the oil tanker Rochester. The
12 captain wouldn't let me leave on account of weather and
13 the possibility of his ship dragging.

14 THE CHAIRMAN: This would happen during the
15 peak season?

16 THE WITNESS: Yes, this is peak season.

17 THE CHAIRMAN: It would happen very often
18 during the year?

19 THE WITNESS: Not very often, not myself. I
20 only had one that year. Probably a year I would go
21 without another turn that long.

22 THE CHAIRMAN: Would it happen often it would
23 take more than three hours for a complete turn?

24 THE WITNESS: Oh, yes.

25 THE CHAIRMAN: Ingoing ship?

26 THE WITNESS: Yes, frequently.

27 THE CHAIRMAN: Yes.

28 THE WITNESS: Because you would be out there --
29 it takes that from the Fairway buoy to get to back to
30 the station. I have two or three hours waiting for ships



1 besides.

2 COMMISSIONER SMITH: Do you get any detention
3 or other fees?

4 THE WITNESS: Our detention is hardly worth
5 making the card out. You have an hour before you can
6 charge.

7 COMMISSIONER SMITH: What I mean, you mentioned
8 one occasion you were 18 hours.

9 THE WITNESS: Yes, sir.

10 COMMISSIONER SMITH: You got some benefit?

11 THE WITNESS: Oh yes. The maximum we can get
12 is \$18.50 for our detention. That is the most in one
13 24 hour period, a little over \$18.00, I believe. You
14 have to be there an hour before you can claim anything.
15 You get \$2.40 for the next hour. You are there an hour
16 before you claim the \$2.40 and can't exceed \$18.50 for
17 a 24 hour period.

18 COMMISSIONER RENWICK: \$18.20?

19 THE WITNESS: Twenty cents, is it?

20 MR. LANGLOIS: Mr. Campbell, how often have
21 you been requested by the master to remain on board for
22 security reasons owing to stress of weather?

23 THE WITNESS: Well, I can recall twice in my
24 experience, at anchor, twice.

25 MR. LANGLOIS: Now, you mentioned you would
26 be paid detention. I understand that under your By-laws
27 you are paid detention at the rate of \$2.40 an hour for
28 a maximum of \$18.20 for any period of 24 hours?

29 THE WITNESS: Right.

30 MR. LANGLOIS: How does that rate of \$2.40



1 compare to the normal rate of pay for unskilled labour
2 within the Sydney district?

3 THE WITNESS: I think it is out of line. I
4 don't know exactly.

5 MR. JACQUES: It is a very good point.

6 MR. LANGLOIS: Thank you, Mr. Campbell.

7 THE CHAIRMAN: Thank you, Captain Campbell.

8 MR. JACQUES: With the leave of the Commission
9 I would ask the local supervisor to prepare for the
10 Districts of Sydney and Labrador a statement to be filed
11 later of, for last year, each case of sick leave which
12 was granted in the District.

13 MR. LANGLOIS: You said Labrador, you meant
14 Bras D'Or Lakes?

15 MR. JACQUES: Bras D'Or Lakes, of course.
16 Which will be filed as Exhibit 409.

17 THE SECRETARY: For 1962?

18 MR. JACQUES: For 1962.

19
20 ---EXHIBIT NO. 409: List of all sick leave
21 granted in the Districts
22 of Sydney and Bras D'Or
for 1962.

23 MR. LANGLOIS: Before we go to Bras D'Or could
24 Captain Parker be recalled for one or two questions
25 concerning Sydney?

26 THE CHAIRMAN: Yes, Captain Parker please.
27
28
29
30



CAPTAIN PARKER, Continued

THE SECRETARY: You were sworn this morning,
You are still under oath.

EXAMINATION BY MR. LANGLOIS:

Q. Captain Parker, comment has been made
apropos of replacing one of the pilot boats here due to
the present boat having outlived its usefulness. What
are your views in respect to this?

A. This boat has been in commission
now for 20 years, a wooden boat built with local materials
and has done very well, but was due for replacement about
three years ago and the Department designed a boat which
we didn't consider at all suitable for this port and
before proceedings could get underway to draw up a new
scheme the austerity program came into effect and there
was a delay, but this boat has now reached obsolescence
state and it should be replaced by a suitable boat in
the next short period of time. I believe the Department
would do this, intend to do this, but I think it should
be expedited.

Q. Now, Captain Parker, in Exhibit 386
there is mention made of the amount of \$10,157.97 spent
on the Canada No. 4 in 1962. Would you call this amount
ordinary repairs?

A. No, that was a refit, a long overdue
refit, and a considerable amount of that money was spent
on the wooden hull. She had sheeting torn off and
corked all over and resheathed and certain other new wood
put in. It was extraordinary and was designed to go for



1 two or three years to enable the boat to carry on. It
2 was under the instructions of the Steamship Inspection
3 Branch.

4 MR. LANGLOIS: Thank you, Captain Parker.

5 THE CHAIRMAN: You said the Department intended
6 to have a new boat here and you said "We didn't consider
7 it suitable". What do you mean by "we"?

8 THE WITNESS: I would say myself and the
9 Pilots' Committee.

10 THE CHAIRMAN: It was discussed with the Pilots'
11 Committee?

12 THE WITNESS: Oh, yes.

13 THE CHAIRMAN: The particulars of the boat
14 were submitted to you?

15 THE WITNESS: That is right.

16 THE CHAIRMAN: So it wasn't a final decision
17 from the D.O.T. at the time?

18 THE WITNESS: What happened was that Mr.
19 Buchanan of the Steamship Inspection Branch had a meeting
20 with us and prior to that we discussed this matter many
21 times with the pilots and they had drawn up proposals,
22 sketches of a suitable boat for this harbour, which is
23 a little bit unique from other harbours in that we want
24 a boat which will operate in the winter and most years
25 we have five months of ice. We have to have a boat that
26 is suitable for that. However, Mr. Buchanan was told
27 all these things and when he got back to Ottawa he drew
28 up a composite, a boat composed of all the ideas of all
29 the Districts, and the final result was the boat pleased
30 nobody and wasn't at all suitable for this port. She was



1 bigger than we wanted and she would have under the
2 Canada Shipping Act, she would have to have an engineer.
3 She had expensive intricate machinery which wasn't
4 necessary, which we didn't consider necessary on account
5 of our short runs. You can't combine a boat that is
6 strong and able with high speed and it just wasn't the
7 type of thing we though necessary and it cost about five
8 times more than we thought was necessary.

9 THE CHAIRMAN: Do you consider that there could
10 be a typical boat built to be used in all ports in Canada?

11 THE WITNESS: No, I don't think a boat that
12 would be suitable here in the ice, a boat say that was
13 used out in Vancouver would be suitable to be used here.

14 THE CHAIRMAN: Why?

15 THE WITNESS: Because they have no ice out
16 there.

17 THE CHAIRMAN: If the boat is equipped with
18 ice equipment there is no objection?

19 THE WITNESS: If you equip a boat with ice
20 equipment you can't obtain the high speed out of the
21 vessel that they want because they have long distance
22 runs out there.

23 THE CHAIRMAN: Would that include your service
24 during the summer?

25 THE WITNESS: I beg your pardon?

26 THE CHAIRMAN: Would that extra equipment
27 include your service during the summer here when you have
28 no ice or would you need two boats?

29 THE WITNESS: We would still need two boats.

30 THE CHAIRMAN: One fitted only for the winter



1 and the other fitted

2 THE WITNESS: No, distance is not a factor that
3 concerns us. We have short distances and whether a boat
4 can make 10 knots or 12 knots or 13 knots is not very
5 important. It is only a matter of a few minutes over a
6 short distance. On the west coast they have runs 60
7 miles where it is important to have a fast boat. That
8 does not apply here.

9 THE CHAIRMAN: Any further questions?

10 MR. LANGLOIS: No further questions. Probably
11 the witness might have to give some information in this
12 regard. I am instructed, my lord, that there are
13 possibly two errors in Exhibit 399 in connection with
14 the pension of Mrs. Mary M. Cornell. I am told that the
15 date of birth is not 1893 and that the year the pension
16 was awarded should be something around 1930 instead of
17 1940. They are not too sure about that, but there is
18 a strong indication there might be two slight errors.

19 MR. JACQUES: I will be quite frank. We are
20 not too sure because some of the information does not
21 appear exactly in the record.

22 THE CHAIRMAN: Would the same apply to other
23 figures on the exhibit?

24 MR. JACQUES: No, sir, these are to the best
25 of our knowledge gathered from the files.

26 THE CHAIRMAN: That we should know.

27 MR. LANGLOIS: Again, my lord, Exhibit 390 the
28 reported casualties of pilots involved in the District
29 of Sydney for the years 1956 to 1959 inclusive. I note
30 there is on April 24th, 1956, mentions the grounding of



1 the ship the H. O'BRODIN, Pilot Mackenzie was on board.
2 It wasn't stated Pilot Mackenze wasn't on the boat when
3 it first grounded. When I came to the case of the
4 casualty it read as follows:

5 "Grounded at anchor, drifted winds, pilot lot

6 "called, towline parted, grounds again."

7 Probably the witness could enlighten us in this regard.
8 This would indicate the pilot was involved in this
9 accident, but I would like to have some clarification.

10 THE CHAIRMAN: This exhibit was prepared by
11 you, Captain Parker, was it?

12 MR. JACQUES: No, this was prepared by Ottawa.
13 These are extracts from the files in Ottawa.

14 MR. LANGLOIS: Would you have that information?

15 THE WITNESS: As I remember the vessel dragged
16 ashore, and they called for a pilot and he boarded the
17 vessel and in attempting to remove -- this isn't a
18 serious casualty -- he went ashore on the mud. There
19 was no damage to the ship and while he was trying to
20 get off the towline parted and the vessel drifted ashore
21 again and she was later taken off. This was an unusual
22 happening rather than a casualty in the ordinary sense.

23 MR. LANGLOIS: From what I read this accident
24 wasn't due to the pilot, due to any fault of the pilot.
25 She went aground and the pilot was called and in an
26 effort to refloat the towline parted and she grounded
27 again. What is misleading is the heading of the exhibit
28 Report of Casualties when pilots were involved. The
29 pilot wasn't involved at all.

30 THE WITNESS: The pilot was involved to the



1 extent he was called to the ship and he was there when
2 the casualty took place. My covering letter on that
3 would have explained carefully that Mr. Mackenzie wasn't
4 at fault. He was a witness to this grounding which would
5 eventually be protested by the Master and go to pilotage
6 through the back door at Ottawa. They would want to know
7 something about it. Sometimes these things happen like
8 that. You have to have somebody to make out a report and
9 the man on the ship is the one. In such a case a
10 covering letter would always show and also the pilot
11 states his own facts on the back of the form and I usually
12 implicate to the effect I say it is somebody's fault.
13 In this case it was nobody's fault, especially the pilot.
14 He wasn't even there when it happened. These things
15 do happen.

16 THE CHAIRMAN: I am glad that the Pilots'
17 Council brought up this position because that shows how
18 statistics can be unreliable. This is why we can't take
19 statistics as absolute legal proof and why we are asking
20 for the facts you must have if we are going to give any
21 weight to these statistics. It is very long. We have
22 to get the essence. If we have these statistics that
23 are necessary and we file these figures we have to have
24 the facts.

25 THE WITNESS: These reports are for statistical
26 purposes and not for practical purposes.

27 MR. JACQUES: I am very glad your lordship
28 mentioned this point because I share the Commission's
29 viewpoint. All this documentation that is filed, and
30 the number of accidents and so on are merely to illustrate.



1 THE CHAIRMAN: That is right. There is no
2 reflection on anybody because we get a lot of information,
3 a lot of statistics. It is just a warning that when we
4 come down to using these statistics to be careful that
5 we have some corroboration of them.

6 MR. JACQUES: I wish to assure the Counsel for
7 the pilots that these figures will be used with the
8 utmost care, those provided by the D.O.T. and those
9 provided by the pilots also.

10 MR. LANGLOIS: I want to thank you very much
11 for your remarks. I didn't state this so much, in
12 bringing this up this morning, I didn't have in mind
13 warning your lordship and the Commissioners and the
14 Commission Counsel about the use of statistics. I know
15 you are very fair in your enquiry and that you will get
16 all the facts and you will not take these statistics at
17 their face value. The reason I was drawing this to your
18 attention, it is for fear of bad publicity that should
19 be given all these things on surface information, if
20 I may call it that, by local newspapers or others
21 interested in the pilots of Sydney. These incomplete
22 details can put in a bad light the pilotage service
23 of Sydney which we have seen is one of the best in
24 Canada.

25 THE CHAIRMAN: I think also these remarks are
26 useful in the record because these records are going to
27 be read by other people and consulted by other people
28 and they should have fair warning also. Thank you very
29 much. Thank you Captain Parker.

30 MR. LANGLOIS: Before we revert to the evidence



1 in connection with the Bras D'Or Lakes District with
2 your lordship's permission I would like to read into
3 the record a letter which was mentioned last night by
4 Witness Campbell being a letter he received from the
5 Upper Lakes Shipping Company Limited dated Toronto,
6 May 15th, 1963 addressed to Mr. Dan Campbell, Chief
7 Pilot, Little Bras D'Or.

8 "Dear Mr. Campbell:

9 "I was in Nova Scotia recently and
10 "attempted to get in touch with you and discuss
11 "the possibility I speak of below, but you were
12 "away from your home. I have looked carefully
13 "at the entrance of the Bras D'Or Lakes and I
14 "would like to know your opinion about the
15 "possibility of a 680 foot long ship drawing
16 "26 feet 6 inches in water could move through
17 "Little Narrows. Our examination of the charts
18 "indicate that this would be possible,
19 "particularly with a ship equipped with bow
20 "thrusters. I enclose a copy of our company
21 "paper which contains a sketch of the ship
22 "we are building. We hope this ship might
23 "occasionally enter and leave Bras D'Or Lakes.
24 "Would you let me know if you think it is
25 "possible. Yours truly, George F. Bain."

26 Attached to this letter is the April copy of the Ship
27 and Shore News giving some information on the construction
28 program, ship building program of Upper Lakes Shipping
29 and also containing a sketch of the new unloader which
30 is being built by the company and which is referred to in



1 this letter. If your lordship would like the information you
2 may have this. I don't think there is any need to file
3 it, just to let you have a look at it.

4
5 ---Off the record discussion.

6
7 THE CHAIRMAN: We will file it as an exhibit.

8
9 ---EXHIBIT NO. 410:

Copy of Ship and Shore
News, for April, 1962.

10
11 DANIEL JOHN CAMPBELL, Sworn
12 (Bras D'Or Lakes pilot.)
13

14 CROSS- EXAMINATION BY MR. JACQUES:

15 Q. Captain Campbell, would you, for the
16 benefit of the Commission, give us the breakdown of
17 your working time boarding ships, taking ships from the
18 boarding station to the various stations in Bras D'Or
19 Lakes?

20 A. Well, we normally board our ships off
21 Table Head.

22 Q. How long does it take you to go from
23 there to Table Head?

24 A. Normal conditions about half an hour,
25 get out to the ship if she is in at the Fairway.

26 Q. Do you often have to wait on the Fairway
27 for your ship to arrive?

28 A. Yes, quite often.

29 Q. What would be the time that you would
30 spend waiting at the Fairway?



1 A. Maybe half an hour, an hour, up to two
2 hours. Ships coming in regularly their E.T.A. is
3 pretty well on schedule. We have had ships on Point
4 Aconi Buoy waiting there, probably foggy conditions.
5 You don't know whether he is going to pick up a pilot.
6 In some cases off Point Aconi Buoy, if we can see this
7 ship, we go out there and find him.

8 Q. How long would it take you to go out
9 there?

10 A. In good conditions another half an hour.
11 The boat is fairly smart, smooth water, she will do up
12 to 12 knots, run around 9 or 10.

13 Q. Now, from your boarding point, would
14 you tell the Commission the average time for each job
15 that you would do in the Lake, each assignment, say,
16 going to Baddeck or going to any of the other places
17 which you have mentioned?

18 A. Well, from Table Head to Baddeck two
19 hour job, docking, two and a half hours in and docking.

20 Q. Two and a half hours on an average?

21 A. From Table Head to Little Narrows, about
22 four hours. Three hours running up river and usually
23 consume approximately an hour in docking in good
24 conditions. Whycocomagh it would take up to five hours.

25 Q. Going in?

26 A. That is going in and mooring the ship in
27 Whycocomagh to load pulpwood. We did load considerable
28 pulpwood there. Right now they are not operating.

29 Q. What about these various places, how
30 long would it take you to take the ship out to Table Head,



1 if she is going out that way? The same time as taking
2 it in.

3 Q. If you take a ship through St. Peter's
4 Canal?

5 A. If you take a ship through St. Peter's
6 Canal, approximately six hours.

7 Q. From where?

8 A. From Table Head to St. Peter's Bay,
9 outside St. Peter's Canal.

10 Q. Does it happen that you take a ship in
11 from St. Peter's Bay into the locks to go, say to,
12 Baddeck? Does the reverse happen?

13 A. On occasion, yes. Last week I did
14 have a ship through St. Peter's Canal to Little Narrows,
15 the Gypsum dock and then on out to sea, the northerly
16 entrance.

17 Q. How long would it take you on that job?

18 A. About five and a half hours.

19 THE CHAIRMAN: In the inward?

20 THE WITNESS: In the inward sir.

21 MR. LANGLOIS: That would depend on
22 the draught of the vessel because you are limited as to
23 draught in the St. Peter's Canal, aren't you?

24 THE WITNESS: We are limited to 16 feet.

25 THE CHAIRMAN: And from what you said,
26 the outward would be about 5 hours?

27 THE WITNESS: Well, the outward is
28 usually a little less time than inward. Undocking
29 from Little Narrows take half an hour off that time.
30 You get away from the dock faster than getting a ship



1 to the dock.

2 Q. What is the longest assignment that
3 you have had in your past experience?

4 A. Well, there is a case, that has been
5 rare, of course, where we can't get off a ship. Indeed,
6 in one case I went to Halifax in a ship three years ago.
7 That was due to ice conditions. Our pilot boat couldn't
8 get out, nor the pilot here couldn't get out on account
9 of ice conditions. It wasn't practical for her to come
10 out.

11 Q. Inside the lakes would there be any
12 cause which would lengthen your time on ship?

13 A. Yes, wind conditions especially at
14 Little Narrows dock. Take a ship up and quite often
15 have to anchor there for a period of time.

16 Q. What is your longest period of time that
17 you spent on the lake on a job?

18 A. Oh, twelve hours or better.

19 Q. Does that happen very often?

20 A. No, but it happens frequently.

21 Q. How many times a year, approximately?

22 A. Oh, probably seven or eight times a
23 year.

24 Q. Do you get detention in those cases?

25 A. No sir.

26 Q. There is no detention at all paid to you?

27 A. No sir.

28 Q. Now, in Canso Strait would you give us
29 the same information from the various boarding points
30 to Point Tupper or wherever the ships may be going?



1 A. Well, ships going to the docks in Canso
2 Strait normally board them at Bear Head.

3 Q How long would it take you to go out
4 with the pilot boat to boarding point?

5 A To Bear Head take about forty minutes.
6 About three hours going out to the boat, boarding the
7 ship and getting back to Bestwall dock, the Gypsum
8 Company.

9 Q. Three hours?

10 A. Yes sir, about three hours. Those three
11 docks are very close together. The time is much the
12 same as Bestwall.. British American and Nova Scotia
13 Pulp.

14 Q. Now leaving those docks, how long would
15 it take you to return to shore?

16 A. Leaving the docks about half an hour
17 less.

18 Q. Two and a half hours?

19 A. Yes.

20 Q. Would the length of time of your various
21 jobs in Canso fluctuate?

22 A. Yes sir, quite often.

23 Q. And what would be the maximum?

24 A. Maximum probably is six hours waiting
25 for a ship later than his E.T.A., probably on account
26 of fog conditions or a strange ship that hasn't charts
27 of the area, and in those cases we have to go much
28 further out in the vicinity of Cape Argus, we board
29 ships there quite often. In fact, they request charts
30 at Cape Argus and further out, as far down as Canso they



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Campbell, Cr.ex.
(Jacques) 3741

1 have requested charts.

2 Q. Taking a ship through Canso, how long
3 would it take you?

4 A. Sometimes we join it at the northern
5 limits of our district.

6 Q. At Point Tupper?

7 A. At Point Tupper and at times they request
8 a pilot down at Bear Island.

9 Q. Let's take a case where you board at
10 Bear Island.

11 A. At Bear Island out to North Canso
12 approximately two hours, good conditions.

13 Q. That would be time spent on ship?

14 A. Yes.

15 Q. Does that include time getting aboard
16 a ship?

17 A. No. Two hours and forty minutes.

18 Q. For the total job?

19 A. Total job.

20 Q. Getting on and off?

21 A. Yes sir, approximately.

22 Q. Now, if you board at Point Tupper?

23 A. If you board at Point Tupper it would
24 only take a half an hour to get a ship in the locks at
25 Point Tupper, in good conditions, and another half hour;
26 one hour and a quarter, approximately, depending on the
27 time the ship would be in the locks.

28 Q. Thank you.

29

30



1 RE-EXAMINATION BY MR. LANGLOIS:

2
3 Q. All these figures that you just gave us
4 as representing the time of the various jobs in your
5 district, were they given assuming there would be no
6 detention?

7 A. Yes, most of them.

8 Q. Now, Mr. Campbell, yesterday you gave
9 the amount which could be the result of the increase in
10 rates that you have requested in your submission. Would
11 you tell the Commission whether or not this additional
12 yield of revenue of \$3,300, approximately, would be
13 sufficient to provide adequate remuneration for your
14 pilots?

15 A. I would say no. In fact, we didn't
16 figure this out and we probably had our draft pretty
17 well prepared and submitted. It is a smaller amount than
18 I expected her to be.

19 MR. LANGLOIS: It is a fact, my lord, in this
20 regard the pilots were disappointed when I handed them
21 a paper and told them to calculate what would be the
22 yield in additional revenue from the increase they have
23 requested in their brief because no calculation had been
24 made, as Captain Campbell just said, prior to their
25 coming here.

26 I would request your lordship's permission
27 that they be allowed to submit a new schedule of rates,
28 which we are recommending, in order to bring them more
29 in line with the needs of the district.

30 THE CHAIRMAN: And the results of the inward



1 to Canso Gut be made compulsory as to payment of dues;
2 in that case what would be the effect?

3 MR. LANGLOIS: Yes, and that would be a
4 substantial increase.

5 THE CHAIRMAN: What would be the effect on the
6 income or revenue and on the work load?

7 MR. LANGLOIS: I understand, with your leave,
8 I can prepare an amendment to this submission?

9 THE CHAIRMAN: Yes.

10 MR. LANGLOIS: And that probably it would not
11 be necessary to support this by evidence?

12 THE CHAIRMAN: Well, I have requested that
13 some statistics be given to the exemption of the traffic
14 in the Canso Gut, so this would be provided us.
15 Therefore, the evidence is there.

16 MR. LANGLOIS: That is all.

17 THE CHAIRMAN: Just one more question, Captain
18 Campbell. If the Canso Gut was to be made compulsory,
19 as to pilotage dues, would you think that with the three
20 pilots there are that would be sufficient to handle the
21 work load?

22 THE WITNESS: No sir, I wouldn't think so.

23 THE CHAIRMAN: It would have to be increased
24 by how many pilots?

25 THE WITNESS: My lord, that would be hard for
26 me to say. I don't know the business through the Gut
27 of Canso. I know it is considerable. We are only
28 required to handle a ship there on request, which is
29 a rather small percentage of the ships through there,
30 and those cases have been strange ships that have never



1 been through there or bad conditions and the master of
2 the ship feels he should not sail his own ship through,
3 he wants to share his responsibility, takes on a pilot.
4 That could be obtained from the Lock Master. I know
5 I have been there and seen as many as twelve ships
6 through, in, say, ten or twelve hour period at busy
7 times.

8 THE CHAIRMAN: Thank you very much.

9
10 EXAMINATION BY MR. JACQUES:

11 Q. Do you think that it would help or
12 improve the efficiency of your district if one or two
13 pilots were stationed at or near Canso instead of being
14 stationed at Table Head, away up north?

15 MR. LANGLOIS: Two are at Arichat right now.

16 THE WITNESS: One is at Arichat. That is hard
17 to say. Most of our business now is from Table Head,
18 although quite often we get ships in the Canso area
19 into West Arichat for frozen fish, or into one of the
20 three docks. The business is increasing in the Gut of
21 Canso.

22 Q. At the moment the bulk of your business
23 is at Table Head?

24 A. At the moment, yes sir.

25 Q. Thank you, sir.

26
27 CAPTAIN PARKER, Recalled

28
29 EXAMINATION BY MR. JACQUES:

30 Q. I believe that you have some comments to



1 make with regard to the rates in Canso?

2 A. Yes sir. I think maybe I can clear up
3 quite a few points here in a very short time. Prior to
4 1943 this area was administered in two districts by
5 Commissioners. However, during the war ---

6 THE CHAIRMAN: Would you give your two districts?

7 THE WITNESS: North district and south
8 district. North of Grand Narrows and south of Grand
9 Narrows. However, during the war an emergency business
10 came up whereby, what we call the small lake vessels
11 were chartered to carry coal to the western part and
12 used the protected waters of the Bras D'Or Lakes for
13 transit. This system of pilotage did not work well,
14 and I think at the instigation of Dosco a quick investi-
15 gation was made and it was decided to bring the whole
16 area under the Pilotage Authority, which was done and
17 the rates were set at that time from Sydney to Point
18 Tupper. It took in all the pilotage area, and the
19 pilots took ships as far as Point Tupper where they left,
20 or they joined them there for ships coming back empty.
21 The pilots of the two districts encroached on one
22 another's territories and it brought order to the system.
23 Now the system of tariffs was arranged at that time,
24 which is still largely in effect and that was to pay
25 the pilotage on a vessel bound from Dosco to Point
26 Tupper or back, and those, as you know, are vessels of
27 250 feet in length, not more than 252 feet in length
28 and approximately 40 feet beam and drawing 14 or 15
29 feet, but since when, of course, this business immediately
30 disappeared from shortly after the war but the tariff



1 in effect remained.

2 The ships disappeared but the tariff stayed
3 and then new industry developed, the first one of those
4 at Little Narrows the establishment of Gypsum and
5 various spots in the lake previously by Mersey Paper
6 Company, a nice business built up for two pilots just
7 in the lake, taking out Gypsum and Mersey Paper Company
8 pulpwood.

9 THE CHAIRMAN: Gypsum is near the Narrows?

10 THE WITNESS: That is right.

11 THE CHAIRMAN: Where is the other?

12 THE WITNESS: That is the only one. There
13 was only one.

14 THE CHAIRMAN: You said there is another
15 organization.

16 THE WITNESS: This is coming, sir. For some
17 years the business consisted of taking ships up the
18 Little Narrows for Gypsum and for taking ships down into
19 the lake for pulpwood for the Mersey Paper Company. The
20 Mersey Paper Company stopped this last year. So that
21 removed them from the scene. That was the living for
22 a pilot with the one company. They made from 30 to 40
23 trips into the lake every summer with one, two or three
24 ships.

25 THE CHAIRMAN: Would this account for the
26 decrease in shipping last year. In 1962 we thought there
27 was a drop?

28 THE WITNESS: There was a drop, yes. The
29 next thing that developed, still on the old system, the
30 fact that the Pilotage Authority limit only extended to



1 Point Tupper on account of the coal ships that were
2 running during the war. However, subsequent events
3 showed that there were new installations built inside,
4 just inside the pilotage limit which composed the Bestwall

5 Gypsum Corporation, employing large ships in the
6 20 to 30,000 dead weight ton range, the Nova Scotia Pulp
7 Company, half a mile away, which employs various size
8 ships, mostly smaller ships, and finally the British
9 American Oil Company which established an oil storage
10 plant there.

11 THE CHAIRMAN: All between Canso Strait?

12 THE WITNESS: All three in Canso Strait
13 within about two miles of each other.

14 COMMISSIONER SMITH: You say just inside the
15 district?

16 THE WITNESS: That is right sir.

17 COMMISSIONER SMITH: Is there any way to
18 designate that?

19 THE WITNESS: From Point Tupper. The district
20 goes from the north end of the Bras D'Or Lakes through
21 the Bras D'Or Lakes around the County of Richmond up
22 as far as Point Tupper. So far as the Gypsum plant is
23 concerned, it is exactly on Point Tupper so it is on
24 the extreme limit of the district.

25 COMMISSIONER SMITH: Is the Gypsum Company
26 located in Point Tupper?

27 THE WITNESS: On Point Tupper.

28 COMMISSIONER SMITH: On Point Tupper?

29 THE WITNESS: Yes. The shipping point is on
30 Point Tupper so it is on the extreme edge of the district



1 as it stands. Now, to clear the situation up, regarding
2 the canal and approaches, we have thought this thing
3 over many times, and representations were made to the
4 Pilotage Authority to include the Canso Causeway in the
5 limit, which is to say to extend from Point Tupper up
6 to the Causeway, including the Causeway, a distance of
7 about three miles.

8 From the beginning of time the transit of
9 the Strait of Canso was always made without a pilot and
10 of course there was no canal there then and no reason
11 for a pilot.

12 MR. JACQUES: No causeway?

13 THE WITNESS: No call for a pilot, no. Now,
14 the reasons why Canso Causeway have not been included
15 in that Pilotage District is that the great majority
16 of the vessels using the causeway are domestic vessels.
17 That is to say the largest of them is mostly coastal
18 tankers and other small merchant vessels, local vessels
19 again.

20 MR. LANGLOIS: Mr. Parker, is not another
21 reason when the district was established the causeway
22 was not built?

23 THE CHAIRMAN: Yes.

24 MR. LANGLOIS: There was less need for piloting
25 than there is now.

26 THE WITNESS: That is right. The limit was
27 established at Point Tupper because that was the
28 convenient place to get off and on and there was no
29 causeway. The vast majority of these ships using the
30 canal are small, mostly fishing vessels and small coasters,



1 and coastal tankers and they are presently using that
2 to their complete satisfaction and the Pilotage Authority
3 has hesitated to approach these people about making
4 this a compulsory area when for so long it was a non-
5 compulsory area.

6 There was over one million tons of ships
7 going through the Canal last season, in 1962, although
8 a very small proportion were strangers or large ships
9 who wanted a pilot. The problem is to create compulsory
10 pilotage system for a very small proportion of vessels,
11 which as we know is very difficult to do. The local
12 people, we feel, should not have to pay, such as the
13 local tankers and the fishing vessels and small coastals.
14 That is, of course, up to the Pilotage Authority. That
15 is the feeling, that these vessels should not have to
16 pay any pilotage, this extra pilotage because some
17 larger vessel may want pilots, so the Pilotage Authority
18 instructed me to work out some simple system whereby
19 a ship who really wanted a pilot should have a pilot.

20 THE CHAIRMAN: A competent one?

21 THE WITNESS: A competent pilot. The rule,
22 in effect now, as promulgated by a Notice to Mariners
23 instructs masters approaching the lock to give nine
24 hours' notice of arrival, if they require a pilot, to
25 the Lock Master who relays the information. This was
26 done on 27 occasions last year.

27 THE CHAIRMAN: Right now anybody could be a
28 pilot there, pilot a ship through the canal?

29 THE WITNESS: That is right sir. Only the
30 Lock Master will advise our people first.



1 THE CHAIRMAN: But he has no authority to
2 inform anybody to act as a pilot?

3 THE WITNESS: No.

4 COMMISSIONER SMITH: Furthermore, my lord,
5 I would think that any pilot that goes outside the
6 jurisdiction of the district is on his own and he has
7 not the protection, in case of liability, under the
8 Canada Shipping Act, I think Section 362, Part 2. The
9 pilot is only liable for damages in the case of
10 negligence and lack of skill up to \$300.

11 THE WITNESS: Right sir.

12 COMMISSIONER SMITH: If he gets outside the
13 district, the law of negligence I would think applies
14 and there is no limit to his liability.

15 THE WITNESS: That is correct, sir. There is
16 also the point of payment of these pilots outside their
17 district. As we have no legal authority to present
18 bills to the owners of the ships, I have been instructed
19 to tell the pilots that they must make their own
20 financial arrangements with the ships to pay their fees
21 and to pay for the boat hire.

22 THE CHAIRMAN: What was your experience, as
23 far as you are concerned, with regard to collecting
24 dues?

25 THE WITNESS: I have nothing to do with it
26 sir. As far as our office is concerned the pilots are
27 to advise us when they make a transit so we may mark
28 these down.

29 MR. LANGLOIS: Mr. Parker, when you mentioned
30 local shipping using the Gut of Canso, did you include



1 in the traffic that you mentioned the tankers, the
2 coastal tankers?

3 A. Yes, sir.

4 EXAMINATION BY MR. LANGLOIS:

5 Q. Would that include, for example, the
6 IRVINGDALE?

7 A. The IRVINGDALE is the big one?

8 Q. Number one, it is about 12,000.

9 A. No, I don't think that is included.
10 When I speak of the coastal tankers, I mean the small
11 vessels of approximately 250 feet long.

12
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14 -

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1 MR. LANGLOIS: Then I would like to know if
2 you included a ship of this kind which is captained by
3 a British Master with a German crew and registered at
4 the Bahamas.

5 THE WITNESS: The B.A. Canadian has gone
6 through on her own and she is a larger size.

7 MR. LANGLOIS: Beside tankers.

8 MR. JACQUES: I haven't finished my examination
9 in chief.

10 MR. LANGLOIS: I thought while we were on this
11 point ...

12 MR. JACQUES: Go ahead.

13 MR. LANGLOIS: Are there not ships carrying
14 explosives going from the Gut of Canso to Mulgrave?

15 THE WITNESS: They have explosives. I don't
16 know if they come through there. I am not sure about
17 that. It is my understanding that explosives are shipped
18 there by other means and exported from there.

19 MR. LANGLOIS: My lord, I don't want to give
20 evidence, but Mulgrave has been in recent years a depot
21 for ammunition for the Canadian Forces on the east coast
22 of Canada. Now, what would be the result of a major
23 accident to a ship or tanker carrying explosives
24 along the locks in the approaches to the Canso Causeway?

25 THE WITNESS: We would lose our communication
26 with the mainland. There is no doubt about that for some
27 time, probably.

28 MR. LANGLOIS: Your island would be completely
29 isolated from the mainland for rail and road traffic?

30 THE WITNESS: There is a bridge over the canal



1 that carries boats. Water wouldn't be too important.

2 The fact is we have tried to devise a scheme whereby
3 certain ships would pay going through or take a pilot
4 and we could bill those and recover money from them.

5 We haven't been able to devise any legal format to
6 let some ships through without them paying. The Depart-
7 ment has thought this thing over for quite a while and
8 has a recent application from myself to include it in
9 the District and an application to suggest a way that
10 we can only charge certain ships, but it is a difficult
11 proposition.

12 MR. LANGLOIS: My lord, could I ask through
13 you, Commission Counsel, if he would be kind enough to
14 supply information as to the cost of the Canso Causeway,
15 the locks and the cost of the approaches and the cost of
16 the unloading rails to connect this island with the
17 mainland since the Canso Causeway is very costly.

18 THE WITNESS: That is right.

19 THE CHAIRMAN: There was something about that
20 in the papers.

21 MR. LANGLOIS: Counsel could get that
22 information from the Department of Transport and the
23 Canadian National Railways in Ottawa.

24 THE CHAIRMAN: We all know it is very expensive.
25 I don't know whether we need go any further. We know it
26 is an expensive business.

27 MR. LANGLOIS: I was at that time a parliamen-
28 tary assistant to the Minister. The Canso Causeway
29 cost \$21,000,000.00, only the causeway, not the locks
30 or approaches.



1 MR. JACQUES: Q. As regards Bras D'Or
2 District, sir, would you in your statement of 1962
3 explain the various entries under the heading disburse-
4 ments, excluding the salary of the pilots, and tell us
5 whether those accounts were kept by your office?

6 A. Yes, these are our accounts.

7 Q. Would explain these various entries?

8 A The first three entries are disburse-
9 ments to the pilots. Pilot Forgeion is on part-time.
10 His health is not good. He attends only to the jobs in
11 his own immediate area unless there is an emergency where
12 we want him elsewhere.

13 Q How do you share the money between the
14 three pilots?

15 A. Well, Pilot Forgeion gets what he earns.
16 The other two pilots get what they earn between them.

17 Q. So Pilot Forgeion, if he does one ship
18 of a particular tonnage he receives the pilotage dues
19 for that ship?

20 A That is right.

21 Q. And the others pool their earnings and
22 divide equally?

23 A. Yes, sir.

24 THE CHAIRMAN: Forgeion, where is he stationed?

25 THE WITNESS: At Isle Madame. He lives in
26 Isle Madame. Robinson the boatman receives \$1150.00.
27 I believe that went through earlier. He is paid by the
28 pilots \$150.00 a month for eight months.

29 THE CHAIRMAN: The man at Table Head?

30 THE WITNESS: Yes.



1 MR. JACQUES: Q. He is paid by your office?

2 A. We pay him out of the revenue of the
3 district.

4 THE CHAIRMAN: What about the other boat?

5 THE WITNESS: The other boat is higher, sir.
6 That is one of the things that I would like to state, if
7 I could continue on the system of the district. For
8 some time we have endeavoured to have a boat fee. And
9 business, as you are aware, was decreased at Big Bras D'
10 Or where we have a boat but has come up in the Strait
11 of Canso. There are very few boats available there.
12 Therefore, to have a boat which we can call at three
13 o'clock in a Winter morning and be reasonably sure of
14 having the use of it, we have to pay considerably.
15 When I say we I mean the pilots have to pay considerably.
16 For some time I have requested the Department to provide
17 a boat fee in this district as other districts have,
18 but they haven't seen fit to do so. Undoubtedly there
19 should be a way to pay these boats, to pay these boatman
20 charges when in the other districts they are provided
21 free to pilots. It is only a small district, It only
22 involves three men and at times the revenue can drop so
23 much down that relief should be provided in some form for
24 these men to offset these high travelling expenses which
25 they have.

26 The other expenses they have are travelling,
27 two pilots from Bras D'Or travel back and forth to Port
28 Hawkesbury by car and to Little Narrows by car and down
29 to St. Piere by car, and as you know, if he takes the
30 car by himself he can't leave his car. He has to have



1 somebody take his car back if he is making a transit.
2 They spend a lot of their income on transportation,
3 which isn't right.

4 MR. JACQUES: Q. Would you continue explaining
5 the entries under disbursements?

6 A. E. Robinson is the boatman they employ
7 at Table Head and use his boat. Receiver General, that
8 is for unemployment they have to pay because they employ
9 him.

10 Q. He is considered an employee of the
11 three pilots?

12 A. He is considered an employee, yes.
13 The telephone bills, of course, are quite high, because
14 we have a lot of telephoning back and forth. All the
15 arrangements are made by telephone and in a very haywire
16 way they are, to use an expression.

17 THE CHAIRMAN: What do you mean by that?

18 THE WITNESS: I mean, sir, that on occasion
19 I have got the operator at Big Bras D'Or to send her
20 little boy down to the Church on his bicycle to get a
21 pilot so I can dispatch him. As recently as last week
22 I had to get my wife to phone a friend in Sydney Mines
23 who lived near the Masonic Hall to get a friend to go
24 over to the Masonic Hall to get Pilot Campbell out of a
25 meeting he was attending. It is a haywire outfit. It
26 has to be, because it is small. These hotel bills are
27 high and they have to be high. They also have to pay,
28 help the boatmen repair their ships. If they pass us a
29 bill for repair we pay it out of the gross if they sign
30 it. The boat expense of \$690.00 is for Big Bras D'Or.



1 Q. It is Big Bras D'Or. These are all
2 private boats?

3 A. Privately-owned boats.

4 Q. This amount of \$690.00, how does it
5 compare with the amounts of previous years?

6 A. It is increased --- the point is that
7 last year, up until last year we had the Labrador Rover
8 running into these lakes on 32 trips, which was a service
9 of Robinson's.

10 Q. The boatman?

11 A. The boatman up there. This year we
12 haven't got that yet, but their revenue has been kept up
13 by these additions at the Strait of Canso for which they
14 had to pay the high cost of boat expenses.

15 Q. In this figure of \$690.00, would that
16 include the services of a boat for the extra territorial
17 pilotage they do in the Canso Strait?

18 A. Completely. It is all incurred at
19 either Point Tupper or a much similar amount in the
20 Arichat area.

21 Q. What about North Canso?

22 A. That includes North Canso.

23 Q. Would the revenue shown on your yearly
24 statement include the revenue derived from extra
25 territorial pilotage?

26 A. No. I am sorry, sir, that doesn't
27 include the area outside their district.

28 Q. Outside their district?

29 A. There were 26 trips.

30 THE CHAIRMAN: Nor the expenses?



1 THE WITNESS: Nor the expenses. It doesn't
2 include anything. We have no authority to collect money
3 or disburse it for that purpose.

4 MR. JACQUES: Your return shows that you have
5 several accounts still outstanding and it also shows that
6 a certain number of accounts were recorded as uncollec-
7 tible. Would you explain that, please?

8 THE WITNESS: There are certain owners who
9 object to paying pilotage, and this O K Service 10 ---
10 she has got down in La Havre and the man objected very
11 strongly to paying his pilotage. While negotiations
12 were going on to collect his bill, the Bylaw was
13 changed exempting ships under a thousand pounds to one-
14 third and he refused to do anything about it, and the
15 pilots then decided to drop the thing. The St. Pierre
16 had a boat up the river which we also had a lot of
17 trouble collecting, and ran into that Bylaw about that
18 time. We consider that uncollectible.

19 THE CHAIRMAN: These are the only two occurrences.
20 I see all the others are just outstanding for the year
21 1962.

22 THE WITNESS: Any other accounts were collected.

23 MR. JACQUES: Q. Now, would this boatman
24 have any Workmen's Compensation? Do you know if any
25 is provided?

26 A. No.

27 Q. To the best of your knowledge, are there
28 any welfare plans of any kind available to the pilot in
29 Bras D'Or Lake?

30 A. No, there are none. As this has always



1 been a small operation, at times even down to one pilot
2 or two it wasn't practical to set up a fund based on
3 the 5%.

4 Q. Have you any disciplinary problems in
5 that district?

6 A. No, I haven't had. They are very
7 cooperative. We have had no trouble.

8 Q. In your file, sir, I believe there is a
9 report of an accident which occurred in the Strait of
10 Canso in June, 1961; is that correct?

11 A. Yes, sir.

12 Q. Would you tell the Commission what
13 information available concerning that accident?

14 A. This was an unfortunate thing. The
15 vessel had sent in an E.T.A. to the pulp mill where she
16 was bound and the pulp mill notified the pilot in the
17 area of the E.T.A., but failed to mention that the ship
18 might arrive earlier. The pilot arrived on the dock in
19 sufficient time to meet the ship according to the
20 E.T.A. given, but found that the ship had arrived early
21 and was approaching. The ship had been boarded by a man
22 from Port Mulgrave who acted at times as ship agent and
23 stevedore. He had boarded the ship and when the Master
24 had asked if he was a pilot he said, no, the pilot is
25 not here, but I can pilot your ship. This man, acted,
26 I would say in the best way in that he had done this
27 one other time, or maybe twice before, but we had
28 collected the money for pilotage. He didn't benefit on
29 the money. It was paid into the fund. On this occasion
30 he attempted to turn this ship in the area to bring her



1 to the dock. Unfortunately there is a very costly
2 pipeline under this strait where the fresh water is
3 taken from lakes in Guysborough section under the River
4 to provide fresh water utilized in the manufacture of
5 paper, of pulp. He had the misfortune to hook into this
6 pipe while he was turning the ship and dislodged it.
7 Eventually it came clear. In due course somebody had to
8 pay for this pipe.

9 THE CHAIRMAN: Would this be the anchor?

10 THE WITNESS: The anchor dislodged it, and
11 I believe eventually the cost of repairing it was some-
12 thing of the nature of \$20,000.00. I was approached
13 on this matter, and we were blameless in that our man
14 was there at the time appointed and the ship came earlier.
15 He was wasn't advised she was coming earlier. We had
16 no responsibility in this matter, but there again it is
17 a case the pilot makes a report. Pilot Forgeion
18 filled out the casualty report, although he wasn't on
19 the ship and was merely a bystander. He was involved
20 to the extent that he made the report.

21 MR. JACQUES: Q. Now, sir, have you any
22 knowledge of the negotiations which led to the payment of
23 a certain sum toward the operation and the maintenance
24 of pilot boats in the Bras D'Or Lake district?

25 A. Yes.

26 Q. What time was that?

27 A. About 1952, I believe.

28 Q. It could be. I don't know.

29 A. About 1952, I would say, the pilots
30 thought they should have some help because their business



1 was increasing at the time and, for instance, in Sydney
2 under the Pilotage Authority the boats were completely
3 owned by the Department at no expense to the pilots
4 whatsoever. They had a small boat and employed a
5 boatman on part-time, the sum of \$200.00 a year was
6 settled on. It was later increased to \$500.00 and then
7 later still to \$750.00.

8 Q. Who decides the increase?

9 A. The Pilotage Authority.

10 Q. Have the Bras D'Or pilots made any
11 request for further increase or lack of increase?

12 A. Yes, they have asked for a boat fee
13 such as is carried out in other districts.

14 Q But for the payment of this lump sum
15 which amounted to \$750.00 --- do you know the basis on
16 which the Department decided this?

17 A. No, I don't . We asked that it be
18 increased. They asked me to request that it be increased
19 or a boat fee instituted. Both requests were turned down.

20 Q. I am instructed that it was proposed in
21 1952 to return the Bras D'Or District to a local
22 commission. Would you have any knowledge of that?

23 A. All I know it was sort of a small-time
24 political move because Commissions have secretaries
25 who retain 5% of the earnings for the task of keeping the
26 accounts for the district, I believe.

27 THE CHAIRMAN: That would be an incentive.

28 THE WITNESS: They had the incentive. I don't
29 think the pilots wanted it.

30 MR. JACQUES: Q. To the best of your knowledge,



1 would politics interfere in any way in the administration
2 of pilotage?

3 THE CHAIRMAN: In Bras D'Or?

4 MR. JACQUES: Q. In Bras D'Or Lake and Sydney?

5 A. I don't see why it should.

6 Q. Are there any political pressures brought
7 to bear upon the pilots or the Department by anyone?

8 A. Not to my knowledge.

9 Q. Not to your knowledge.

10 MR. LANGLOIS: Pilots are unshakable.

11 MR. JACQUES: Q. Sir, would you like to
12 express your views concerning the possible consolidation
13 of the Districts of Sydney and Bras D'Or and extending
14 that district to include the whole of Canso Strait?

15 A. It could be done. It would require
16 considerable instructions to pilots, to Sydney pilots.
17 It could be done over a period of time, and the whole
18 island could be incorporated into one unit. There is no
19 reason why it couldn't.

20 Q. Do you think it would work efficiently?

21 A. There are several factors that upset
22 the scheme from the beginning. One is the Bras D'Or
23 pilots have no pension scheme whatsoever and there is no
24 provision for any, so that any funds that these two men,
25 in particular, any fees that they receive wouldn't be
26 subject to the 16%. That would be one difficulty. Another
27 is this system is a boom or bust system. It is hard to
28 tell. It seems that the business is going to increase
29 in the Strait of Canso over the next few years, that they
30 will be requiring a better system of supplying pilots to



1 ships requiring them for transit. That is to put it on
2 a thoroughly legal basis of collecting fees.

3 THE CHAIRMAN: While you are on the subject
4 there, would a means to achieve that be to include this
5 territory, I mean the territory of Canso Strait or the
6 locks and approaches in the pilotage district but
7 not make payment compulsory.

8 THE WITNESS: Just for that area?

9 THE CHAIRMAN: Just for the area.

10 THE WITNESS: Yes, I think so. It could be
11 done.

12 THE CHAIRMAN: Then you have the local
13 authority collecting and also protecting the security of
14 the public.

15 THE WITNESS: I don't know why it couldn't be.
16 I wouldn't say it could be done that way.

17 MR. JACQUES: Q. You mentioned in the course
18 of your evidence 27 ships took pilots through the Cause-
19 way last year?

20 A. Yes, sir.

21 Q. Do you foresee any increase in the
22 number of ships?

23 A. That is running to a pattern again.

24 If, for instance, they decide to ship a lot of grain
25 from Montreal to Halifax, there is a saving of some
26 considerable distance, sixty-odd miles in steaming time.
27 Whether that could be offset by the expense of going
28 through the Causeway or not is the problem. Those are
29 larger ships. Two or three times recently these ships
30 have been in a hurry to get into a berth while it was



1 available and they have taken pilots.

2 Q. Now, sir, are you familiar with the
3 industrial and commercial development in the Canso area?

4 A. To a local extent, yes.

5 Q. Do you foresee any Canso development
6 which would cause an increase in maritime traffic in
7 Point Tupper or those places in Canso?

8 A. Well, it is --- we understand that the
9 Gypsum Company is going to mine approximately 2500 tons
10 of gypsum a day which they will ship in large ships,
11 say, every ten days.

12 Q. When is that expected?

13 A. They are doing that now. They might
14 increase it. It is at least that much now. The paper
15 company bring in sulphur and ship their baled product.
16 There is a small and steady demand for pilots there.
17 At British-American Oil Company --- these berths are deep
18 berths, new construction. British-American Oil have
19 presently a storage base for tankers and it is their
20 long-range intention to build a large refinery there.

21 Q. Thank you, sir. Would you have any
22 further comments to make on the Bras D'Or district?

23 A. I think that some system must be worked
24 out to help these men pay their expenses.

25 MR. LANGLOIS: And make a good living.

26 THE WITNESS: And make a good living. They
27 work, their pilotage is long and they have long hours.
28 They have a lot of travelling to do. It is not possible
29 to get more men --- net would still be smaller. As I
30 said, as in other places they work in the Summertime when



1 they are busy and in the Wintertime they can afford to
2 lay up to some extent. There is no future in getting
3 more pilots. There would be less money. The point is
4 to help out on these expenses.

5
6 CROSS-EXAMINATION BY MR. LANGLOIS:

7
8 Q. I have a couple of questions, Captain.
9 Did you participate in the negotiations between the
10 pilots and boatmen in regard to boat hire?

11 A. I have been a go-between. I was in a
12 peculiar position of telling the pilots what they should
13 do. Up in the Strait of Canso there was one possible boat
14 we could get that we could rely on. All I could do was
15 recommend to the pilots that they take him. The man
16 and the boat is very reliable. It is completely useless
17 to make an agreement with a man who is not reliable.
18 If you want a boat at two o'clock in the morning in a
19 blizzard, you want the boat. You have to have it. To
20 get it you have to pay for it. I suggested that they
21 take the man that they have now.

22 Q. When you say that you are the go-between
23 for the pilots and the boatmen, am I to understand you
24 don't do it in your official capacity as Supervisor of
25 Pilots?

26 A. There is nothing laid down in the
27 bylaws or anything like that about boats for the Bras D'
28 Or pilots. They had to have them. In this case I
29 assisted them as I could. I went up. We interviewed
30 various boatmen.



1 Q. Are you aware that the boatman in Port
2 Hawkesbury is asking for more money?

3 A I am aware of it. I knew it. I think
4 the he deserves it to provide a satisfactory service.

5 Q. Do you think that the doubling of the
6 present charge would be a fair compensation?

7 A. Close to that anyway.

8 Q Thank you.

9 A. It is a question of keeping a man there.
10 If the ship doesn't come, he still has to keep the
11 boat there.

12 Q I understand he is the Mayor of Hawkes-
13 bury?

14 A. He could be.

15 COMMISSIONER RENWICK: My lord, in connection
16 with the relationship between the boatman and the pilot,
17 is there not an established employee-master relationship
18 implied when they are paying Unemployment Insurance for
19 him? And if this is so, and I think it would stand up
20 in law that would be so, is there not a very heavy
21 liability that the pilots can incur if that boatman
22 should be drowned? Couldn't his heirs and assigns come
23 on the pilots for compensation personally if they are
24 piloting outside a district?

25 THE WITNESS: I believe that is correct, sir.
26 For many years here, while our boatmen were employees of
27 the pilots, they carried no welfare.

28 MR. JACQUES: This is the end of the evidence
29 which I have intended for the Commission here at Sydney.

30 THE CHAIRMAN: Do you have any questions of



1 Capt. Parker?

2 MR. JOHNSON: Nothing, sir.

3 THE CHAIRMAN: Mr. Langlois, do you have any
4 other witness?

5 MR. LANGLOIS: No, sir, my lord.

6 THE CHAIRMAN: This closes your hearing as
7 far as you are concerned?

8 MR. JOHNSON: My lord, we had a request on
9 Monday for the Order-in-Council covering subventions,
10 coal subventions by rail and water. For the information
11 of the Commission it is P.C. 1962 --- 458. I only have
12 a photostatic copy here, and it would not make a very
13 good copy, but I think copies are available from the
14 Clerk of the Privy Council. This is dated the 2nd day
15 of April, 1962 in Ottawa. If I may, I would like to
16 ask Capt. Huntley a couple of questions.

17
18 ALEXANDER HUNTLEY, (recalled):

19
20 EXAMINATION BY MR. JOHNSON:

21
22 Q. Capt. Huntley, in your evidence yester-
23 day you indicated that soundings at our piers were made
24 by the pilot. I assume you are aware that our Engineering
25 Department periodically takes soundings and they have
26 them available in printed form from which we supply our
27 port information data?

28 A. That is a point that we wish to have
29 clarified. On occasion, for our own protection, our own
30 benefit, rather, when we have requests to dock ships, we



1 have taken soundings. This information, those soundings
2 that have been taken by your people have not been passed
3 on to the pilot station.

4 Q Have you ever requested them?

5 A. We requested on two occasions --- this
6 is a few years ago, but our office at that time received
7 a copy of the engineer's report and blueprint of your
8 docks, but since that time these berths have been silting
9 up.

10 THE CHAIRMAN: We might suggest it could be
11 made a practice when new soundings are made, they be
12 provided, the results of those new soundings.

13 THE WITNESS: In that request, when any sound-
14 ings are made by your engineers, if it would be proper,
15 I would request that they be passed on to the pilots.

16 Q. All right. You made another reference,
17 Dosco vessels at the present time are larger than in
18 previous years. This, I realize, is considerably before
19 my time, but I believe we had ships like the Baghild
20 around 1935, which carried 13,500 tons, while of some-
21 what different construction nearly as large as ships
22 presently utilized in the port.

23 A. We had the Alexander T. Wood on, I
24 think, two occasions that would be, I understand, in
25 the vicinity of 20,000 tons, 18,000 to 20,000 at the
26 coal pier. On the other hand, at the ore pier where the
27 ships have increased more noticeably, your ore ships
28 I would say up until the middle forties, I don't think
29 they were any more than 12,000 tons. At the present
30 time, we have them as high as 22,500 dead weight. That



1 is with tankers, and with the ore ships, the American
2 Coal ships, they go to 17,000, 18,000. That is according
3 to the figures that we are given according to the Master's
4 report.

5 Q. You feel the ships are considerably
6 larger?

7 A. Yes, they are definitely.

8 Q. There was another mention in your
9 evidence that some ships grounded because of lack of
10 water. While we indicate a certain depth of water avail-
11 able alongside our facilities, should a ship arrive at
12 slack water, I presume that you consult with the Captain
13 at the time of docking?

14 A. We do that.

15 Q. Would you delay any ships for several
16 hours before you dock if the ship is in excess of the
17 depth of water available at low water?

18 A. We would do that, yes. We have ships
19 on occasion that are, you might say, marginal. We have
20 requested, through telephone service-of course, we don't
21 know this until we get aboard the ships and one or two
22 occasions, I mean this happened probably with the other
23 pilots as well, that we would convey the information
24 through the R.T. to the local V.C.O. station who would
25 pass word on to the agents, the draught of the ship and
26 on one or two occasions we never received any word back,
27 so we just carried on. We knew it was marginal and the
28 Master was willing to carry on, which we did. When we
29 do that, we look after the safety of the ship and give
30 this information to the Master and, as I say, on these



1 occasions it was marginal, but we have on different
2 occasions definitely anchored ships and waited for half-
3 tide or three-quarter tide to bring the ships alongside
4 if there was any doubt.

5 Q. What was your reference to ships
6 grounding because of lack of water? Would that be arrivals?

7 A. I can speak from experience. The
8 William J. Currie last week. That ship was docked for,
9 I understand, taking on some water supplies. I shifted
10 that ship from the south side of Number 2 Steel, that
11 ship was grounded and I would say it was about two
12 hours after low water, to the extent that when I was
13 going astern, after my lines were run into the ship on
14 slow astern, no movement. I looked over the stern of
15 the ship. I could see the propeller was turning, churning
16 the water. I put the ship on half-speed. No movement.
17 At this time the Master was a little concerned. I put
18 the ship on full stern and I told the Master of the
19 ship, I warned him, now look I am just going to give her
20 one kick and see what happens, and the ship slid off.
21 I noticed a slight motion of the ship as though she was
22 sliding off some obstruction. When I put that ship
23 alongside the pier, took me a matter of probably an
24 hour to do the job, and I think you can check with the
25 foreman of the Steel Pier Number 2, that ship, the bow
26 or forward part of the ship at Number 2 and three holds --
27 I think she had five holds --- that ship couldn't be
28 worked alongside with the bowlines with the assistance
29 of the towboat. Couldn't come in closer than, I am only
30 surmising, probably 16 feet.



1 We gave the orders to ring off and tied the
2 ship up as she was. The foreman informed one of the
3 officers that they couldn't discharge the ship owing to
4 her not being alongside. We could have got the ship
5 alongside aft. The Master and myself thought that that
6 would be improper, because it would place a greater strain
7 on the ship's hull. There would be more weight on the
8 forward end of the ship.

9 When I left the ship, the Master informed,
10 I believe it was the third officer, that within an hour's
11 time to give her another try. Now, daylight the next
12 day, or shortly after daylight we observed that the ship
13 was being discharged. Now, the other end of the story,
14 I don't know.

15 Q. There was exceptionally low water at
16 that time in Sydney Harbour or just normal low water?

17 A. That was exceptionally low tide. It
18 was about two days after the change of the moon. It was
19 an exceptionally low tide during that period of time.

20 Q. Would you know if that ship would be
21 in excess of our indicated depth of water alongside?

22 A. Well, for thirty feet, six draught,
23 and apparently with that draught on low tide there is
24 definitely grounding of the ship.

25 Q. We don't publicize more than thirty
26 feet at that dock.

27 A. There is something that we are not
28 prepared to --- we haven't seen any --- we are only going
29 by word-of-mouth from your former Assistant Marine
30 Superintendent. I think that is the last information that



1 we got. That is, to our knowledge. Captain Hooper,
2 if you remember. We asked him on occasion, as I say,
3 but it was not given to us in printed form. He indicated
4 to us 32 feet of water.

5 Q You are not in possession of our latest
6 port information form by any chance?

7 A. No.

8 MR. LANGLOIS: You should put them on your
9 mailing list.

10 THE CHAIRMAN: Are there any further
11 questions to Captain Huntley?

12 MR. JOHNSON: No, thank you, sir.

13 THE CHAIRMAN: Thank you, Capt. Huntley.
14 Is there anybody else who wishes to give further evidence
15 or put any further questions? I understand there are
16 none, so Mr. Johnson, if you would like to address the
17 Commission, if you wish, because I think the other
18 lawyers are going to address us in Ottawa when we are
19 there, unless you want to come with us there?

20 MR. JOHNSON: My lord, I am not counsel for
21 Dosco by any means. I did correct that impression. Mr.
22 MacNeil is our counsel. He has not been available for
23 the last day or two. I am assistant division and
24 traffic manager for Dosco.

25 THE CHAIRMAN: You may still address the
26 Commission if you wish.

27 MR. JOHNSON: I certainly want to thank the
28 Commission for their hearing and the cooperation to
29 any submissions by the various groups, the Bras D'Or
30 Pilotage and the C.N.R. It has been most enlightening,



1 and I hope that you come up with some solution to all
2 these problems. Thank you.

3 THE CHAIRMAN: We do not promise to bring a
4 solution to all the problems. We are just here to get
5 the facts and if we can be of some help, we certainly
6 will. We will try hard to do that, but as I mentioned,
7 we are going to be across the country and we are seeing
8 a lot of things. We are gathering the facts and maybe
9 the best solution we can find would be to suggest laws
10 or amendments to laws that would in turn bring the
11 solution to the various problems. In any event, we are
12 very satisfied with the hearing we had here. We see here,
13 as was the experience in other places, a different
14 aspect of pilotage and different ways of doing it. I
15 think we have gained some experience by coming here, and
16 we thank you all for your cooperation and, as I said
17 before, should you happen to think of some facts that
18 you think are pertinent and should be brought to our
19 attention, please write to us. Thank you very much.

20 We will adjourn now until tomorrow morning
21 at ten o'clock at Saint John, New Brunswick, the Court
22 House.

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25 ---Adjournment.
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